

CONSIDERATION OF SENATE BILL 14 1/25/2011

<p style="text-align: right;">301</p> <p>1 But then they may later in the day be directed to the</p> <p>2 right precinct, and then the -- you know, so there can</p> <p>3 be more than one provisional ballot.</p> <p>4 There's also some of the scholarship</p> <p>5 related to the issue that if the outcomes of elections</p> <p>6 have been determined by substantial margins, then</p> <p>7 individuals may not feel a need to go back and verify</p> <p>8 the provisional ballots if the election were not so</p> <p>9 close that --</p> <p>10 SEN. WEST: Right.</p> <p>11 MR. BONNETT: -- that the votes were</p> <p>12 meaningful. So it's not really what -- what -- clear</p> <p>13 what the meaning of the numbers of provisional ballots</p> <p>14 and the ones that are verified means, as far as I'm</p> <p>15 aware.</p> <p>16 SEN. WEST: But there's no statewide study</p> <p>17 or report that's done on an annual basis that looks at</p> <p>18 the percentage of individuals that cast provisional</p> <p>19 ballots that actually go back and verify their ability</p> <p>20 to --</p> <p>21 MR. BONNETT: That data is reported in --</p> <p>22 but I'm not aware of analysis of it. The number by</p> <p>23 county of provisional ballots, probably by precinct,</p> <p>24 that were cast and their ultimate disposition is -- is</p> <p>25 reported in -- in election return statistics. Analysis</p>	<p style="text-align: right;">303</p> <p>1 MR. BONNETT: Yes, it is a state-issue ID.</p> <p>2 SEN. GALLEGOS: It is valid?</p> <p>3 MR. BONNETT: Uh-huh.</p> <p>4 SEN. GALLEGOS: And any supplements of</p> <p>5 that Indiana license, is that also a form of ID? What I</p> <p>6 mean supplements is, if it -- if a driver's license is</p> <p>7 confiscated and you get a temporary, is that also a</p> <p>8 valid -- a valid form of ID?</p> <p>9 MR. BONNETT: If the -- I don't believe</p> <p>10 that the state driver's license is specified in the</p> <p>11 legislation. It's specified more generically, a</p> <p>12 state-issued ID with photograph with an expiration date</p> <p>13 or government-issued ID.</p> <p>14 It's my understanding when a driver's</p> <p>15 license is confiscated that the Bureau of Motor Vehicles</p> <p>16 will immediately issue another form of ID that is a --</p> <p>17 for example, driving is restricted.</p> <p>18 SEN. GALLEGOS: And that is a valid form</p> <p>19 of ID?</p> <p>20 MR. BONNETT: Yeah.</p> <p>21 SEN. GALLEGOS: Okay.</p> <p>22 MR. BONNETT: I don't believe the -- I</p> <p>23 remember when I lived in Texas and in Louisiana</p> <p>24 sometimes the police would take away your ID and give</p> <p>25 you a piece of paper that was sort of -- to cover for</p>
<p style="text-align: right;">302</p> <p>1 of it is not something that I'm aware of, though.</p> <p>2 SEN. WEST: Okay. You indicated that the</p> <p>3 affidavit was -- is public. Is it a --</p> <p>4 MR. BONNETT: Yes.</p> <p>5 SEN. WEST: -- public record?</p> <p>6 And that's the -- when you say "the</p> <p>7 affidavit," what do you mean by that?</p> <p>8 MR. BONNETT: That's a document that is</p> <p>9 initially executed by the voter at the time of casting</p> <p>10 the provisional ballot --</p> <p>11 SEN. WEST: Okay.</p> <p>12 MR. BONNETT: -- and then later, handled</p> <p>13 by the Election Board within that ten days to determine</p> <p>14 whether or not that vote -- the vote is sealed. The</p> <p>15 vote is sealed in an envelope.</p> <p>16 SEN. WEST: All right. I just wanted to</p> <p>17 make certain we were on the same page.</p> <p>18 Okay. Thank you very much, Mr. Chairman.</p> <p>19 MR. BONNETT: You're welcome.</p> <p>20 SEN. WEST: I would like to get that cite</p> <p>21 for the study, though.</p> <p>22 CHAIRMAN DUNCAN: Senator Gallegos?</p> <p>23 SEN. GALLEGOS: Mr. Secretary, let me ask</p> <p>24 you one question. Is your Indiana driver's license, is</p> <p>25 it a valid form of ID under Indiana law?</p>	<p style="text-align: right;">304</p> <p>1 you, and that type of document would not be.</p> <p>2 SEN. GALLEGOS: Yeah. But that is a valid</p> <p>3 form of ID in Indiana?</p> <p>4 MR. BONNETT: It would be required to</p> <p>5 have -- the ID would be required to have a picture and</p> <p>6 have the expiration date. And so something other than</p> <p>7 that would not be allowed for voting. It would still be</p> <p>8 required to have a picture.</p> <p>9 SEN. GALLEGOS: Thank you.</p> <p>10 MR. BONNETT: Does that answer your</p> <p>11 question?</p> <p>12 SEN. GALLEGOS: Yeah.</p> <p>13 CHAIRMAN DUNCAN: Thank you, Mr. Bonnett.</p> <p>14 We appreciate your appearance here today.</p> <p>15 TESTIMONY BY LUIS FIGUEROA</p> <p>16 CHAIRMAN DUNCAN: The Chair calls Luis</p> <p>17 Figueroa -- Figueroa, Mexican American Legal Defense</p> <p>18 Education Fund, or MALDEF. Would you state your name,</p> <p>19 please, and who you represent?</p> <p>20 MR. FIGUEROA: Absolutely. My name is</p> <p>21 Luis Figueroa. I'm the legislative staff attorney with</p> <p>22 the Mexican American Legal Defense and Educational Fund,</p> <p>23 MALDEF. Thank you very much for this opportunity to</p> <p>24 testify before the Senate on this important legislation.</p> <p>25 MALDEF works to promote and protect the</p>

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<p>305</p> <p>1 rights of Latinos, including voting rights and in the 2 state of Texas and across the nation. We have an 3 extensive history in the Voting Rights Act and in 4 protecting voting rights across the nation and, of 5 course, here in Texas, going back to the case of White 6 v. Register and most recently in LULAC v. Perry 7 challenging the redistricting implementation from the 8 last decade for last -- from the last session. 9 We stand here opposed to SB 14 because it 10 lacks the safeguards to ensure that eligible voters will 11 not be disenfranchised at the polls. If SB 14 was 12 enacted, it would be the most restrictive photo ID 13 requirement in the nation, more restrictive than 14 Indiana, more restrictive than Georgia, more restrictive 15 than Arizona. They would allow for voter identity 16 documents, less time to cure for provisional ballots, 17 and it would be even more difficult to cure than any of 18 the other states. 19 Studies after studies have shown that 20 voter ID and additional identification requirements at 21 the polls do have an impact on minority voters and on 22 other protected classes. The study from voter ID 23 requirements and disenfranchisement of Latino, black and 24 Asian voters by Barreto, Nino & Sanchez states 25 "Controlling for age, income and education, we find the</p>	<p>307</p> <p>1 to have driver's license problems. Less than half, 2 40 percent, of Milwaukee County African-American adults 3 and 43 percent of Hispanic adults have a valid driver's 4 license compared to 85 percent of white adults in the 5 balance of the state." 6 The Brennan Center, in their report 7 Citizens Without Proof, A Survey of Americans' 8 Possession of Documentary Proof of Citizenship and Photo 9 Identification, stated, "Citizens with comparatively low 10 incomes are less likely to possess documentation proving 11 they are citizens. As many as 11 percent of United 12 States Citizens, more than 21 individuals, do not have 13 government-issued photo identification." It goes on to 14 state that "25 percent of African-American voting-aged 15 citizens have no current government-issued photo ID 16 compared to 8 percent of white voting-aged citizens." 17 Study after study has shown that Latinos, 18 African-Americans, elderly, the poor, students are less 19 likely -- the disabled community are less likely to have 20 the photo identification requirements required under 21 SB 14. 22 It's important to note that Texas under 23 current law has a voter ID requirements. It has an ID 24 requirement that -- it requires that you bring a voter 25 registration certificate or additional forms of</p>
<p>306</p> <p>1 naturalized citizens and minority voters are 2 significantly less likely to be able to provide multiple 3 forms of identification such as a copy of their original 4 birth certificate or recent bank statements. 5 Respondents were asked about their ability to provide 6 approximately six unique forms of identification, and 7 naturalized citizens and minority voters were 8 consistently less likely to have each form of 9 identification. Data reflects identification trends of 10 actual voters, not just adult citizens, the findings go 11 far to suggest that photo -- that voter identification 12 laws could immediately disenfranchise many Latino, 13 Asian, African-American citizens." 14 From the Rutgers study, protecting the 15 enfranchised or restricting it, the effects of voter 16 identification requirements and turnout, by Vercellotti 17 and Anderson, states that "The predicted probability 18 that Hispanics would vote in states that required 19 nonphoto identification was about 10 percent points 20 lower than in states where Hispanic voters gave their 21 names." 22 In the Wisconsin study, the driver's 23 license status of the voting age population was counted 24 by John Pawasarat. It stated that "Minorities in poor 25 populations are the most likely -- are the most likely</p>	<p>308</p> <p>1 identification. The question is, how much stricter can 2 we make the voter identification requirement? The 3 question is not whether to have a voter identification 4 or not have it. The question is, how restrictive do we 5 want to make it? 6 The current legislation presented before 7 us does not provide for any alternative photo 8 identification. It does not allow for student ID cards, 9 for Medicaid, Medicaid cards, for expired driver's 10 license, for expired military cards or for state-issued 11 employer identifications. 12 We know that in our other states that have 13 implemented strict voter identification laws that the 14 ability to cure and to come back day to day and fix 15 their provisional ballot, it does not happen with much 16 frequency. Voters do not return within the allotted 17 time period to fix their voter identification. 18 It's also worth noting that in SB 14 it 19 actually lowers the amount of time from what Indiana 20 requires, from ten days to six days -- six days to 21 return and fix their voter identification. In Arizona, 22 739 ballots were not counted where -- conditional 23 provisional ballots were not counted, and only 158 were 24 counted after voters cured their identification 25 requirements.</p>

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<p style="text-align: right;">309</p> <p>1 What we found in Arizona when we litigated</p> <p>2 was that the most common problem was a driver's license</p> <p>3 that did not match an address, that did not match a</p> <p>4 voter registration certificate. We know that Latinos,</p> <p>5 African-Americans and low income are the most mobile</p> <p>6 populations often moving from a rental apartment, moving</p> <p>7 from home to home, and as a result are most likely to</p> <p>8 have matching -- most likely have identification that</p> <p>9 doesn't match their voter registration certificate.</p> <p>10 We know that providing a free personal</p> <p>11 identification certificate does not solve the problem if</p> <p>12 the documents needed to get a personal identification</p> <p>13 certificate are the same ones that the study show the</p> <p>14 minorities don't have. And we know that if people are</p> <p>15 required to bring birth certificates and other</p> <p>16 documentation that they are unable to get a current</p> <p>17 driver's license, that they are not likely to get the</p> <p>18 free personal identification if they lack those same</p> <p>19 documents.</p> <p>20 We believe that there are ways to</p> <p>21 create -- there are ways to ensure that people who are</p> <p>22 voting are who they say they are. There are ways to do</p> <p>23 it without disenfranchising voters. What we need are</p> <p>24 appropriate safeguards in a photo identification law.</p> <p>25 We need to expand the current list of documents that are</p>	<p style="text-align: right;">311</p> <p>1 electoral system, but a system that provides for access</p> <p>2 and security to ensure that all votes are counted, and</p> <p>3 that is what we are aiming for.</p> <p>4 With that, I'm open for questions, and I</p> <p>5 thank you again for this opportunity.</p> <p>6 SEN. ELTIFE: Members any questions?</p> <p>7 (No response)</p> <p>8 SEN. ELTIFE: Thank you, sir, for being</p> <p>9 here today. Hold on one second.</p> <p>10 QUESTIONS FROM SENATE FLOOR</p> <p>11 SEN. ELTIFE: Senator Rodriguez?</p> <p>12 SEN. RODRIGUEZ: Thank you, Mr. Chairman.</p> <p>13 Mr. Figueroa, first of all, thank you for coming here to</p> <p>14 testify this afternoon, particularly on such short</p> <p>15 notice. I am familiar with MALDEF's work. In fact, I</p> <p>16 serve on its board. So I know the great work that the</p> <p>17 organization does to protect the rights of citizens,</p> <p>18 particularly in the area of voting rights.</p> <p>19 I want to ask you just a few questions and</p> <p>20 mainly for clarification. I believe you started out by</p> <p>21 comparing the legislation in Senate Bill 14 with the</p> <p>22 Arizona -- the Indiana law, and I believe you even</p> <p>23 mentioned the Arizona law. Could you give us</p> <p>24 specifically in which ways SB 14 is more restrictive</p> <p>25 than these other laws?</p>
<p style="text-align: right;">310</p> <p>1 provided in SB 14, and most importantly we should</p> <p>2 incorporate a signature affidavit similar to Michigan</p> <p>3 and Florida to ensure that people who lack the</p> <p>4 identification requirements are still able to cast a</p> <p>5 ballot and have their vote count. It's about finding</p> <p>6 the right balance between security and access.</p> <p>7 SB 14 only focuses on voter impersonation</p> <p>8 fraud while ignoring voter intimidation, deceptive</p> <p>9 practices and poll worker error. There are ways to</p> <p>10 ensure that voters who say they are -- are who they say</p> <p>11 without disenfranchising voters. Finding that right</p> <p>12 balance includes including two forms of nonphoto</p> <p>13 identification, requiring signature affidavit attesting</p> <p>14 to name, address and eligibility, including voter</p> <p>15 integrity task force, allowing for same-day election</p> <p>16 voter registration with an ID requirement, free ID that</p> <p>17 is not limited to the current requirements that require</p> <p>18 the same documents that are required to get a driver's</p> <p>19 license right now, training for poll workers and voter</p> <p>20 education.</p> <p>21 When we find the right balance between</p> <p>22 access and security, we will ensure that we have the</p> <p>23 voter confidence in our system, a system that is not</p> <p>24 predicated on trying to disenfranchise voters, a system</p> <p>25 that is not so unsecure that we don't have faith in our</p>	<p style="text-align: right;">312</p> <p>1 MR. FIGUEROA: Absolutely. Senate Bill 14</p> <p>2 has a very limited scope of identification requirements.</p> <p>3 It only allows for a driver's license, a passport,</p> <p>4 citizen certification and a military identification.</p> <p>5 Arizona, which at the time was considered a pretty</p> <p>6 restrictive identification requirement, allows for photo</p> <p>7 ID, but also allows for two alternative nonphoto</p> <p>8 identification. It was most similar to the proposal</p> <p>9 that was introduced last session.</p> <p>10 In Indiana where they do have a photo ID</p> <p>11 requirement, they do allow for -- when you cast a</p> <p>12 provisional ballot, you can come back within ten days</p> <p>13 and you can attest to being indigent or you can attest</p> <p>14 that you were unable to get the identification, and</p> <p>15 they'll allow you an opportunity to have your vote</p> <p>16 counted.</p> <p>17 This law in SB 14 does not have any such</p> <p>18 assertion to ensure the voters are counted. In fact, it</p> <p>19 lowers the amount of time for you to cure that</p> <p>20 provisional ballot. We're going from ten days to six</p> <p>21 days -- to six days.</p> <p>22 And in Georgia, again, there are also</p> <p>23 other forms of identification that were allowed that are</p> <p>24 not allowed under Texas. Even in Indiana, the</p> <p>25 expiration date, you are allowed to have an expiration</p>

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<p>313</p> <p>1 date if you're within the last -- within the last 2 election. If your driver's license was expired within 3 the last election, they'd still allow you to vote. This 4 would be by far the most restrictive ID requirements in 5 the nation.</p> <p>6 SEN. RODRIGUEZ: So given that, is it your 7 opinion that this law, this bill that we're considering, 8 would be much more likely to disenfranchise voters than 9 these other states' laws?</p> <p>10 MR. FIGUEROA: I do think the more -- the 11 more requirements you put, the more limits on 12 identification, the more likely you are to have an 13 impact on the working poor and Latinos and 14 African-Americans and other -- and other voters.</p> <p>15 SEN. RODRIGUEZ: Could you go over some of 16 the implementation challenges or issues that were 17 confronted when the Arizona law was being implemented to 18 give us a sense of what we might expect? And 19 particularly you might -- if you could focus on how it 20 may have impacted the Latino voters in Arizona.</p> <p>21 MR. FIGUEROA: Absolutely. Our studies 22 did find -- our expert did find a disparate impact in 23 Arizona on Latino voters, and I grant you this was even 24 with more broader identification requirements than this 25 bill. So this bill would even have a stronger impact</p>	<p>315</p> <p>1 by DPS under the current rules. Obtaining the -- having 2 the birth certificate, the documentation that you need 3 to get a driver's license is sometimes difficult to get. 4 The cost involved is also somewhat of a problem.</p> <p>5 It's also a lot of people live in these 6 rural counties or don't live near a DPS station and 7 don't have a driver's license. Also, students who live 8 with their -- with their parents and don't have a 9 driver's license or they only have a student ID card may 10 not have a driver's license or the funds or the time 11 necessary to go get a driver's license.</p> <p>12 SEN. RODRIGUEZ: I see. Finally, let me 13 ask you just for the record here -- I think we know the 14 answer -- but have Latino voters generally experienced, 15 in the history of this state, disenfranchisement when it 16 comes to exercising their right to vote?</p> <p>17 MR. FIGUEROA: Yes. Texas has a long 18 history of voter discrimination in Texas, which is why 19 we're a Section 5 state under the Voting Rights Act. It 20 is precisely because of our history and the all-white 21 primaries, poll tax, disenfranchising voters through 22 cracking and splitting and redistricting that we are a 23 Section 5 state. And I believe that there's going to be 24 a witness here today that's going to talk about that.</p> <p>25 SEN. RODRIGUEZ: Do you feel that this</p>
<p>314</p> <p>1 than Arizona. What we found in Arizona was -- the most 2 significant impact were poll workers who tried -- who 3 claimed that the address had to match the voter 4 registration certificate to the driver's license.</p> <p>5 Poll worker training has got to be a key 6 component of this. It's not clear from SB 14 about what 7 to do if a driver's license doesn't match the voter -- 8 the voter registration certificate, whether that's 9 because a recently married woman has a different last 10 name, because there's a misspelling on the voter 11 registration certificate, because the address doesn't 12 match or the date of birth doesn't match. There's any 13 numerous possibilities of a mismatch between the voter 14 registration and the licenses that are going to be 15 required. Are poll workers going to use that to 16 disenfranchise voters? Well, we would hope not, but 17 we -- in our experience, it has had that impact.</p> <p>18 SEN. RODRIGUEZ: All right. Thank you. 19 You stated the Latino voters are less likely to have the 20 identification required by the bill. Can you tell us 21 why?</p> <p>22 MR. FIGUEROA: Yeah. I mean, a lot of 23 this has to do with the difficulty in obtaining a 24 driver's license right now. So we know that getting a 25 driver's license has become increasingly more difficult</p>	<p>316</p> <p>1 long-standing history has engendered mistrust on the 2 part of the Latino voters as far as coming out and 3 voting?</p> <p>4 MR. FIGUEROA: Yes. And ironically the 5 voter ID or the photo ID legislation has been touted as 6 a way to install voter confidence in our electoral 7 system, but it's only confidence on the security side. 8 It's not confidence on the access side. And from the 9 Latino community, there needs to be stronger confidence 10 on the access side. There's a long history of 11 discrimination on the voting side of Latinos, and there 12 is this feeling among many Latinos that there is a 13 continual effort to prevent our ability to elect our 14 candidates of choice and our ability to vote. So we 15 need to work on our confidence on the access side, 16 particularly with the Latino community.</p> <p>17 SEN. RODRIGUEZ: Could you tell us whether 18 on this last point even those Latinos with the required 19 ID feel a distrust in participating?</p> <p>20 MR. FIGUEROA: Yes. I mean --</p> <p>21 SEN. RODRIGUEZ: And if so why?</p> <p>22 MR. FIGUEROA: Texas has one of the lowest 23 voter turnouts in the nation. I believe it may actually 24 be the lowest in the nation. Latino voter turnout is 25 dismal in comparison to other states. And those are</p>

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<p style="text-align: right;">317</p> <p>1 people who are eligible -- who are eligible to vote, 2 have registered to vote and in many cases may have the 3 identification. But there is this feeling that there's 4 going to be a systematic way for their vote not to 5 count, that their vote won't make a difference. And so 6 we need to make efforts in this state to encourage 7 voting, not discourage it. 8 SEN. RODRIGUEZ: Thank you. 9 Thank you, Mr. Chairman. 10 CHAIRMAN DUNCAN: I think there's 11 another -- Senator Huffman was wishing to ask questions, 12 and I don't know that she's on the floor. Can you hold 13 on just a minute? 14 (Brief pause) 15 SEN. ELLIS: Mr. President? 16 Mr. President, parliamentary inquiry. 17 CHAIRMAN DUNCAN: State your inquiry. 18 SEN. ELLIS: You know the time of the 19 State of the Union Address tonight? 20 CHAIRMAN DUNCAN: It's this evening. 21 SEN. ELLIS: This evening? I was hoping I 22 could hold hands with some of my Republican colleagues 23 and watch it. So I'm wondering how long are we going to 24 be here tonight? 25 CHAIRMAN DUNCAN: We have two televisions</p>	<p style="text-align: right;">319</p> <p>1 SEN. HUFFMAN: And didn't the Supreme 2 Court of the United States reject your assertions that 3 voter photo ID laws unduly burden the right to vote? 4 MR. FIGUEROA: What the Crawford decision 5 said was it was, one, not a voting rights case. It 6 wasn't a Section 5 case or a Section 2 Voting Rights 7 case. It was a 14th Amendment undue burdens case. And 8 what they essentially held was the burdens that it 9 imposes on voters was not significant enough to cause a 10 violation of the 14th Amendment. 11 SEN. HUFFMAN: Thank you. 12 MR. FIGUEROA: I would state that this 13 bill is more restrictive than the Indiana bill, though. 14 CHAIRMAN DUNCAN: Thank you, Mr. Figueroa. 15 There's no other questions -- oh, I'm sorry. 16 Senator Gallegos has a question. 17 SEN. GALLEGOS: Thank you, Mr. Chairman. 18 Mr. Figueroa, I don't know if you remember my testimony 19 two years ago, and I showed the maps. If we're going to 20 mandate voter ID in Texas, that we should allow the 21 folks that we're mandating access to DPS centers where 22 they get this photo ID. And if you saw inside the 610 23 Loop in Houston, there are no DPS centers. 24 MR. FIGUEROA: That's right. 25 SEN. GALLEGOS: And also -- or inside the</p>
<p style="text-align: right;">318</p> <p>1 in the lounge, Senator. 2 SEN. ELLIS: Well, if I really want to 3 feel the love, I'd like to be -- I'd like to be at home. 4 (Laughter) 5 CHAIRMAN DUNCAN: Senator Huffman -- have 6 you finished your inquiry, Senator Ellis? 7 SEN. ELLIS: (No audible response) 8 CHAIRMAN DUNCAN: Senator Huffman, you are 9 recognized. 10 SEN. HUFFMAN: Yes, sir. Thank you. Just 11 a couple of questions. 12 Sir, you said that this legislation 13 conveniently disenfranchises minority voters. Is that 14 correct? 15 MR. FIGUEROA: I don't think I used the 16 word "conveniently," but disenfranchises voter -- could 17 potentially disenfranchise voters. 18 SEN. HUFFMAN: Didn't MALDEF also claim in 19 the Crawford litigation that the Indiana photo ID law 20 disenfranchises minority voters? 21 MR. FIGUEROA: We actually didn't litigate 22 the Crawford litigation. We did submit an amicus brief 23 related to our Arizona litigation, and we were concerned 24 about the impact of Crawford as well as the Arizona 25 legislation and the potential disenfranchising impact.</p>	<p style="text-align: right;">320</p> <p>1 820 Loop in Fort Worth there's no DPS centers, and 2 there's only one inside the city of Dallas that would, 3 in fact, make getting, number one, a photo ID costly, 4 and time-consuming. I'm concerned that especially in 5 inner-city Houston and Fort Worth and some there in 6 Dallas that don't have vehicles or use mass transit as a 7 means of transportation that there's no bus lines to the 8 DPS centers -- 9 MR. FIGUEROA: That's right. 10 SEN. GALLEGOS: -- that provide the photo 11 ID that we are fixing to mandate them. I wanted to ask 12 your -- you know, whether MALDEF -- you know, would that 13 be subject to any type of retrogression as far as 14 allowing somebody poor or doesn't have a vehicle or 15 can't afford the transportation to the outskirts to try 16 to get a photo ID, that there would be subject to any 17 Section 5 violations in the civil rights code? 18 MR. FIGUEROA: Yeah. Ironic -- the 19 Indiana case did make the one reference that we've been 20 talking about, and the Supreme Court did make 21 significant references to the fact of the free ID 22 provided by Indiana, how to eliminate some of these 23 burdens. However, Indiana, like I mentioned, wasn't a 24 Section 5 state. 25 And that was a larger issue in Georgia</p>

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<p style="text-align: right;">321</p> <p>1 where similarly the DPS departments were not in the 2 inner city. So I do think it is a factor that they will 3 consider in preclearance about how accessible is it to 4 obtain that free identification. And in the rural 5 counties of Texas, the inner cities, if it shows that it 6 does have extreme difficulties for minorities to access 7 those free IDs because of the inability to get to a DPS 8 office, the amount of time it takes, the money it takes, 9 the documents it requires to get that free 10 identification, I think that does play an important part 11 of it.</p> <p>12 SEN. GALLEGOS: So what you're saying 13 is -- your testimony is that it definitely is a factor. 14 And then like -- other than the areas that I mentioned 15 in my district and Fort Worth and Dallas, let's say an 16 area like Senator Uresti's area where in some cases 17 they've got to go 200 miles, you'll have to catch -- 18 you'll have to either rent a helicopter or get a 19 Southwest Airlines flight to go, and even though we're 20 offering free ID, you know, the issue is how to get 21 there.</p> <p>22 MR. FIGUEROA: Yeah.</p> <p>23 SEN. GALLEGOS: And what I described to 24 you on these instances where, you know, these people 25 cannot provide themselves with -- especially the elderly</p>	<p style="text-align: right;">323</p> <p>1 CHAIRMAN DUNCAN: One-minute warning. 2 MR. WARD: Thank you, Mr. Chairman. My 3 name is Chris Ward. I'm essential here representing 4 myself. I'm an attorney. I'm a partner with the firm 5 of Yetter Coleman. I practice primarily in complex 6 appeals, including regarding constitutional issues and 7 have some expertise and experience in particular in 8 voting rights law, including the 2009 Supreme Court case 9 Northwest Austin MUD v. Holder.</p> <p>10 I'm here primarily to testify regarding 11 the general constitutional standard as explained by the 12 Supreme Court for analyzing a facial challenge to the 13 validity of a voter ID bill. Before I go into that, I 14 do want to say, because it's come up, that in my reading 15 of the Texas bill, it has an exemption for elderly nuns 16 and any other Texan over 70 whether or not they reside 17 in a nursing home. So that's something that's come up, 18 and I wanted to bring that out.</p> <p>19 With regard to the legal constitutional 20 standard, the Supreme Court in the case Crawford v. 21 Marion County Election Board examined the Indiana voter 22 ID law, and it went through a very careful analysis of 23 that law, and the essential holding of that law is that 24 a voter ID act is not, in general, constitutionally 25 invalid on its face. And the Indiana law that the court</p>
<p style="text-align: right;">322</p> <p>1 in these areas, you know, with transportation or don't 2 have the money to provide it, I mean, we can tell them 3 that we have free voter ID available to them if they can 4 get there.</p> <p>5 MR. FIGUEROA: Right.</p> <p>6 SEN. GALLEGOS: Is that -- is that what 7 your testimony is here?</p> <p>8 MR. FIGUEROA: Yes. If they can get 9 there, if they have the means to get there, if they have 10 the documents to get the documentation, absolutely. 11 Free isn't necessarily free.</p> <p>12 SEN. GALLEGOS: All right. Thank you.</p> <p>13 CHAIRMAN DUNCAN: Are there any other 14 questions of the witness?</p> <p>15 (No response)</p> <p>16 CHAIRMAN DUNCAN: All right. The Chair 17 hears none. Thank you for your testimony, Mr. Figueroa.</p> <p>18 TESTIMONY BY CHRISTIAN WARD</p> <p>19 CHAIRMAN DUNCAN: The Chair calls 20 Christian Ward. Mr. Ward, state your name and who you 21 represent, please. You have ten minutes with a --</p> <p>22 MR. WARD: Thank you, Mr. Chairman.</p> <p>23 CHAIRMAN DUNCAN: I think it's either a 24 one-minute warning or 30 seconds. I can't remember.</p> <p>25 SECRETARY SPAW: One.</p>	<p style="text-align: right;">324</p> <p>1 was considering at the time it issued the Crawford 2 opinion was at that time considered the most restrictive 3 voter ID law on the books of any state. And so the fact 4 that the Supreme Court found that law constitutional 5 says that there is a lot of room for imposing voter ID 6 laws under the Court's interpretation of the 7 Constitution.</p> <p>8 There were two primary opinions in the 9 Crawford case. The first one that I'll talk about is 10 considered the main or controlling opinion of the case. 11 It was a case decided by a plurality, which means there 12 were three Justices signed onto one opinion that's 13 regarded as the controlling opinion by Justice Stevens, 14 of course who was one of the most liberal members of the 15 Court. And the other opinion by Justice Scalia also 16 garnered three votes. Justice Stevens' opinion is 17 regarded as the controlling opinion because it -- it 18 puts a little more stricter review, but essentially 19 those two opinions get to the same result by slightly 20 different analysis, which actually on further 21 examination turned out to be somewhat the same.</p> <p>22 In Justice Stevens' controlling opinion, 23 he first looked -- he first described what the 24 appropriate test would be for a constitutional challenge 25 to an election regulation like a voter ID law, and the</p>

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<p style="text-align: right;">325</p> <p>1 test that the Court will apply, he says, is you weigh 2 the asserted injury to the right to vote against the 3 precise interests put forward by the state. So you look 4 at the alleged injury or impairment of the right to 5 vote, the alleged burden imposed by the voter ID 6 requirement, and you compare that with the severity of 7 the harm that the state is trying to avoid.</p> <p>8 That opinion identifies at least three 9 valid state interests that the state of Indiana was 10 attacking with its voter ID legislation. Number one, 11 deterring and detecting voter fraud, Justice Stevens 12 says that you can't -- nobody can question the 13 importance of detecting and deterring voter fraud.</p> <p>14 Now, he noted that in that case there was 15 nothing in the record of that case that in-person voting 16 fraud, showing up and impersonating another person, had 17 actually occurred or was a big problem in Indiana, but 18 it was enough that this is a possibility.</p> <p>19 He tells a story of an associate, 20 Boss Tweed, in New York back during the 1860s, and this 21 associate would send his repeaters. He would recruit 22 men who had whiskers and send them to vote once with a 23 full beard and then send them to a barber and get the 24 chin shaved off and send them back with mutton chops and 25 a mustache and then send them back with just a mustache.</p>	<p style="text-align: right;">327</p> <p>1 jurisdiction.</p> <p>2 The Court also noted the Carter-Baker 3 report, which has also been mentioned in earlier 4 testimony today by Former President Carter and Former 5 Secretary of State James Baker. In that report, they 6 identified photo identification as an appropriate step 7 to take to deter voter fraud.</p> <p>8 The Court also mentioned safeguarding 9 voter confidence in the system as another valid state 10 interest that is served by a voter ID requirement.</p> <p>11 Justice Stevens' opinion then looked to 12 the alleged burdens on the right to vote, and he noted 13 that the photo ID requirement imposes some burdens that 14 other identification methods do not. For example, you 15 might lose your driver's license or lose your wallet on 16 the way to the polls and then you'd have a problem. But 17 he noted that these are not serious or frequent enough 18 to cause a constitutional infirmity.</p> <p>19 And he noted that the relevant burden to 20 be considered here is the burden that is on persons who 21 are eligible to vote but who do not happen to possess a 22 valid photo ID. So you look at the fact that that 23 affects, for one thing, a -- probably a small minority 24 of voters -- of eligible voters in the state already.</p> <p>25 The Court noted that if you had to pay a</p>
<p style="text-align: right;">326</p> <p>1 And then if you needed another vote, send them back skin 2 face, it said, plain face, and that makes each one good 3 for four votes.</p> <p>4 Now, I mention that both because I thought 5 it was a little amusing story, but the more serious 6 point is that the Court looked at this. This is an 7 anecdote from history. This is not saying that a state 8 has to have any showing that this a current modern 9 problem. The Court cites this anecdote as an example of 10 this is a potential problem that a legislature is within 11 its rights to attempt to address by this type of law.</p> <p>12 Other valid state interests that the Court 13 identified with regard to a voter ID legislation is the 14 improvement and modernization of election procedures. 15 The Court noted that Congress has shown that it believes 16 that photo ID is an effective method of establishing 17 voters' qualifications to vote. The National Voter 18 Registration Act of 1993, also known as the Motor Voter 19 Act, is the act that says when you go to apply for your 20 driver's license, you have to be offered the chance to 21 register to vote. It's also the act -- it also has 22 requirements that limit the states' abilities to purge 23 their voter rolls. So that's one reason why voter rolls 24 tend to have more voters than actually continue to 25 reside in a particular state or a particular</p>	<p style="text-align: right;">328</p> <p>1 tax or a fee to get the ID, that would be the equivalent 2 of a poll tax, and that would be unconstitutional. So 3 one important provision which the Indiana legislation 4 had and which the Texas bill has is the fact that free 5 voter ID cards are available.</p> <p>6 The Court noted that some people will have 7 heavier burdens and -- but the fact that some people may 8 have heavier burdens does not make the statute itself 9 facially invalid and unconstitutional. It means that 10 perhaps in an individual case an individual might be 11 able to show that the burden -- the specific burden on 12 that individual is so high that it would be 13 unconstitutional to apply the statute to that 14 individual, but that's not the same thing as saying that 15 the statute is facially invalid and unconstitutional as 16 a whole. And that's what we usually think of when we 17 think of the Court striking down a law as 18 unconstitutional. That strikes down the whole law as 19 invalid.</p> <p>20 So that was the ultimate conclusion. 21 Justice Scalia, in his opinion concurring, would go a 22 little bit further than Justice Stevens, but he 23 essentially reaches the same result. Justice Scalia 24 says that the voter ID law is a generally applicable, 25 nondiscriminatory voting regulation, and thus individual</p>

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<p>329</p> <p>1 impacts on specific voters are irrelevant for 2 determining the severity of the burden. In Justice 3 Scalia's analysis, he said you look at the burden is not 4 severe on anyone. The burden is show a photo ID. That 5 burden could have some different impacts on particular 6 individuals, again, who might have a particular hardship 7 getting that ID. But, again, that's not enough to say 8 that the law, as a whole, is unconstitutional. 9 SEN. ELTIFE: Members, any questions of 10 the witness? 11 (No response) 12 SEN. ELTIFE: No questions. 13 Mr. Ward, thank you for being here. 14 MR. WARD: Thank you very much. 15 TESTIMONY BY GARY BLEDSOE 16 SEN. ELTIFE: At this time, we'll call 17 Gary Bledsoe forward. 18 MR. BLEDSOE: Good evening. My name is 19 Gary Bledsoe. I represent the Texas State Conference of 20 NAACP branches, and I am proud to stand before you as a 21 fellow Texan, and indeed I want to emphasize the term 22 "fellow Texans." 23 You know, the Texas that we have today is 24 very different from the Texas that I grew up in, and 25 indeed I've seen many things occur that have been</p>	<p>331</p> <p>1 a problem in that regard from what we've seen. 2 However, I'm aware that what we're 3 discussing now is whether or not we will have a bill. 4 So I would reach out to each and every one of you and 5 say that if we are going to discuss voter 6 identification, then let's do so in a way to be 7 constructive and to be enabling so that we can try and 8 empower all the people within our state to presume that 9 all people who would be eligible to vote ought to be 10 allowed to vote. And so we should reduce impediments 11 and not present additional impediments that would 12 prevent people from voting. 13 Now, frequently we have come before you 14 and talked about this issue. I know that the last time 15 I came before you we talked about a number of instances 16 of serious irregularities that have occurred in our 17 state, and I don't want to go back and go over all 18 those, but I want to point some of those out to you 19 because I think if we're talking about voter problems 20 that really and truly we ought to be talking about some 21 of the issues that prevent access because we think 22 that's a much more significant problem than the problem 23 with people voting who are not the people who were -- 24 who were actually registered to vote. 25 In just this past year, we had a situation</p>
<p>330</p> <p>1 extremely positive for me. I grew up in a segregated 2 Texas when voting was really a luxury, something that 3 was not to be expected in my community. It was 4 something very much that people cherished and desired, 5 desired to occur. 6 And many of you might even remember back 7 in 1974 when Frank Robinson, an African-American who was 8 registering individuals to vote out in Palestine, was 9 actually killed at his home because of his attempts to 10 register people to vote. Now, I happened to be a 11 freshman in law school at that time. So it's not all 12 that long ago that that actually occurred. 13 And, you know, when I -- when I look at 14 the ways that we have had to struggle to get the 15 opportunity to vote, I want you to know that we cherish 16 that and know that's extremely important. And in many 17 ways, our state had become exemplary. When I go around 18 the country and you -- we understand how we've enabled 19 people that have been on paper with felony convictions 20 to vote and things of that nature, that's a good thing. 21 And, you know, the fact that -- we don't 22 really have a problem with voter fraud in elections. I 23 think that all the testimony seems to indicate that, 24 that indeed people who go to vote are indeed people who 25 actually are registered to vote. So there's really not</p>	<p>332</p> <p>1 with elderly citizens up in Bowie County who were 2 harassed by individuals after they had voted absentee, 3 and people were demanding to know how they voted, 4 terrorizing the elderly people who made contact with us 5 because they were very concerned, but it was very 6 obvious it was because of politics, from our 7 observation. 8 We know that we had so many problems or 9 complaints directed to us out of Harris County this last 10 session where people were intimidated by other 11 individuals who hovered over them, who stared at them 12 and gave very hateful looks towards them, intimidating 13 some people from going forward with actually voting. 14 So we know these things continue and 15 occur, and it's not just the kinds of things that we've 16 seen in the recent past, such as when an 17 African-American candidate for sheriff in a county 18 outside Houston had -- one of his white supporters had 19 their home catch fire. And so instead of investigating 20 what might have occurred, they ended up investigating 21 the African-American candidate for sheriff. 22 We know that where they've used off-duty 23 police along with improper uses of mailboxes in Tarrant 24 County to intimidate African-Americans from being able 25 to vote. So it goes on and on, and all these things</p>

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<p style="text-align: right;">333</p> <p>1 have occurred within the last decade and some within the 2 past six months. So we know that indeed we have not 3 arrived to where we have eliminated problems with 4 preventing our having access to be able to vote. 5 And, you know, I was able to be an 6 election observer for an election down in Venezuela, and 7 that was really quite illuminating to me in that the 8 individuals had to give a fingerprint whenever they 9 voted, and an untrained person had to look at the 10 fingerprint and determine whether or not it was the 11 right person. And we know that the photograph came up 12 on the screen and you had to look and see if this was 13 the right person. 14 And, you know, they had armed guards 15 around, and I actually had the misfortune of having a 16 gun directed at me by a guard. When I was asked by an 17 official in the Secretary of State's Office to actually 18 go and observe them vote, I actually had to back off 19 when a gun was directed right at my face for -- five or 20 six feet away. 21 So I think we look at those things, we 22 don't need to move in that direction. We need to be 23 going out and telling people that what we have is really 24 good. What we have is actually working, where we have a 25 democracy, we have people that are engaged that are from</p>	<p style="text-align: right;">335</p> <p>1 We know that under the Texas law in 2 comparison with the Indiana law you've got to come back 3 in a stated period of days, and these six days. And the 4 way that six days is worded and the time that's 5 involved, it's going to require people to come during 6 their workdays from 8 to 5, which is a real problematic 7 thing for individuals to do. And we know that when you 8 have to come in from 8 to 5 and you're a working person, 9 that's going to be something that's difficult for you to 10 do. 11 We have a law that says if you're voting 12 in an election, that on election day you can go and have 13 time off from your work. There's not a law that says 14 you can come and have that taken care of. 15 Now, the -- we know, too, that the other 16 thing about an Indiana law -- and I would note that 17 Indiana is not a covered jurisdiction. So Indiana and 18 the Indiana case involved constitutional issues and not 19 the Voting Rights Act. 20 But, now, Indiana allows you the one free 21 bite. So when you go in and you have an expired 22 identification, you can still use that identification 23 for one election. The idea is that then the person will 24 be put on notice that their identification is expired, 25 and they will go and have that identification come up to</p>
<p style="text-align: right;">334</p> <p>1 different backgrounds, different races, different 2 ethnicities, and we get there and we debate and we 3 discuss issues. 4 You know, when they had the birth of a 5 nation years ago and they talked about what would occur 6 in our country with enfranchising African-Americans, we 7 found out just the opposite was true, and that indeed 8 we're moving toward something that's very special, but 9 there are people that are competing against what we've 10 been trying to accomplish. 11 But, Senators, I really want to say to you 12 that we have a system that I feel is actually a good 13 system. 14 Now, besides all the other matters that I 15 can talk about, I wanted to visit with you about some of 16 the problems that we see with where we're proceeding 17 with SB 14. You know, I don't understand why, but in 18 many ways I look at SB 14 and SB 14 is much more 19 problematic than the Indiana law and much more 20 problematic than the Georgia law that have been 21 utilized. When we look at the Indiana law, the Indiana 22 law -- we can see where individuals can actually come in 23 and if they are indigent, they can give an affidavit and 24 be allowed to vote by saying that they can't afford to 25 have a voter ID.</p>	<p style="text-align: right;">336</p> <p>1 date. So I think that's another distinction. 2 Now, in Georgia and in Indiana, they did 3 some things that we have not done here. They did 4 diligent inquiries, and they determined that prior to 5 adoption of their laws, they determined that indeed 6 almost every one in those states had DMV 7 identifications. So everyone in Georgia had a DMV 8 identification, and only 43,000 people in Indiana did 9 not have a DMV identification. So that's much different 10 from what we have here. 11 Also, those states are much smaller. And 12 in Texas with the location of driver's license offices, 13 et cetera, some people have to travel over 100 miles. 14 So even with an indigent's provision, that's not going 15 to allow people who are poor, indigent, impaired, have 16 difficult access to these places to be able to actually 17 register. And I don't know what the implications are 18 for obligations under the NVRA, but we have not complied 19 with our obligations under the law. And that has been a 20 problem in Indiana as well. 21 And I'd just say, finally, it's very clear 22 that the Texas law will impair and have a clearly 23 disparate disadvantage on people of color. The forms of 24 ID selected are problematic. There would have been 25 something better. The forms of ID selected in Indiana</p>

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<p>1 and Georgia were both superior. The criminal 2 prosecution will discourage. We know that this might 3 impair compliance with the NVRA. We know that there 4 have been so many problems with election officials that 5 this will empower them more so to disadvantage 6 individuals. And we know that because of the time to 7 vote, the problem with identification and especially 8 cross-racial identifications, the issue of the 9 expirations and the types of the IDs selected, those 10 things are going to further reduce the minority vote. 11 So we think this is a covered jurisdiction, and you can 12 look at this in a different way. Thank you.</p> <p>13 SEN. ELTIPE: Mr. Bledsoe, thank you. And 14 some members do have questions for you.</p> <p>15 Senator West?</p> <p>16 QUESTIONS FROM SENATE FLOOR</p> <p>17 SEN. WEST: Thank you very much, 18 Mr. Chairman.</p> <p>19 Mr. Bledsoe, thank you also. Now, you've 20 been the President of the NAACP Conference -- state 21 conference for how many years now?</p> <p>22 MR. BLEDSOE: Twenty years.</p> <p>23 SEN. WEST: Twenty years. Is there a 24 well-documented history of voter suppression that is 25 specifically related to race and ethnicity in this</p>	<p>1 the types of IDs that are selected, the time period with 2 the nature of the jobs that African-Americans have and 3 the requirement for African-Americans to come in and 4 actually produce their proof within a certain period of 5 time. We've had enormous problems in this state with 6 the cross-racial identifications, and I can just see 7 enormous problems with that. Especially with the kinds 8 of things that we've seen in Bell County and some other 9 places here recently, we know that's going to be a 10 problem.</p> <p>11 And we know, too, that in terms of the 12 issue of expirations, that's going to be a problem. And 13 if you look at state data on like voter -- excuse me -- 14 motor vehicle ownership, our access to vehicles, you'll 15 find there's a big disparity among racial groups. And 16 so we're talking about the poorest of minority groups 17 not truly having access to be able to go and access the 18 identification. So I think it's clearly going to have a 19 disparate impact.</p> <p>20 SEN. WEST: So is it your testimony that 21 this particular voter ID bill will discourage as opposed 22 to encourage people to participate in the electoral 23 system?</p> <p>24 MR. BLEDSOE: It will; it clearly will. 25 And, you know, one of the big things obviously is the</p>
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<p>1 state? And how would this voter ID law fit into that 2 particular history?</p> <p>3 MR. BLEDSOE: Well, I think it's 4 consistent with the history, and that's sad. You know, 5 I think that we've seen Texas really evolve in a lot of 6 ways. And, you know, Texas has had a history where in 7 recent years I had a lot of bipartisan cooperation. And 8 I know that when we've done report cards in the past, we 9 had people in both parties that were doing exceptionally 10 well on our report card.</p> <p>11 But we haven't extricated ourselves from 12 the past. And indeed when we look at the past and we 13 look at all the disenfranchisement that's taking place, 14 this is a direct extension of that because indeed if one 15 wanted a voter ID law, there would be a way of having a 16 voter ID law that would be more enabling, that would not 17 suppress the vote. Because what we want people to do is 18 to go out and to compete and to actually say that we 19 will compete for the minority vote and not have a law 20 that we think will have a clear disadvantage in terms of 21 suppressing the minority vote.</p> <p>22 SEN. WEST: Would you -- so do you believe 23 that this voter ID law will, in fact, discriminate 24 against people of color?</p> <p>25 MR. BLEDSOE: There's no question, again,</p>	<p>1 criminal prosecution, but then there are the other 2 provisions as well where you make it so difficult for 3 people. You know, we've had, in numerous instances, 4 Fort Bend, Harris, Bowie Counties, where individuals 5 have been turned away, who weren't even allowed to cast 6 a provisional ballot. And so that's a problem. You 7 know, it's kind of like the thing in Indiana when the 12 8 nuns were attempting to vote, and they did not allow 12 9 nuns to vote because they didn't bring their voter 10 identification with them.</p> <p>11 SEN. WEST: It was 12 of them?</p> <p>12 MR. BLEDSOE: Twelve; 12 nuns, yes.</p> <p>13 SEN. WEST: Twelve. Okay. Huh, 14 interesting.</p> <p>15 Now, let me ask this question, sir: 16 You've had an occasion to speak with many 17 African-American elected officials concerning voter 18 identification laws over the last few years. Is that 19 correct?</p> <p>20 MR. BLEDSOE: That's correct.</p> <p>21 SEN. WEST: Have you found any 22 African-American legislators -- any African-American 23 elected officials in the state of Texas that are in 24 favor of the voter identification laws that are being 25 considered by the Texas Legislature?</p>

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<p style="text-align: right;">341</p> <p>1 MR. BLEDSOE: We've seen none. And, you 2 know, our group is unanimously opposed to it. And, you 3 know, we've got Republicans and Democrats in our 4 leadership. And let me say that one of our folks that I 5 think you even know, Senator -- I don't know that you 6 know this -- but Obie Greenleaf, who is a city 7 councilman now up in Sherman, he just went and tried to 8 renew his registration, and he was pulled out of line, 9 told he had to go home and get -- and get his birth 10 certificate. 11 SEN. WEST: And he's a city councilman? 12 MR. BLEDSOE: He's a city councilman. And 13 another African/American male, who is 80 years old, was 14 told to do the same thing. Now, all the whites in line 15 were not pulled out. 16 And, you know, we've done some surveys 17 around the state, and we're not complying with NVRA. So 18 there is a real problem with our people being registered 19 to vote by our agencies. 20 SEN. WEST: Well, there have, in fact, 21 been some campaigns that have been launched lately -- or 22 back in 2005, 2006, campaigns against voter fraud. Do 23 you remember those campaigns by the Attorney General? 24 MR. BLEDSOE: I'm aware. 25 SEN. WEST: And some of the images that</p>	<p style="text-align: right;">343</p> <p>1 advocacy, and needless to say you're steadfast as it 2 relates to protecting the rights and civil rights of 3 people in this state. Thank you. 4 MR. BLEDSOE: Thank you. 5 CHAIRMAN DUNCAN: The Chair recognizes 6 Senator Hinojosa. 7 SEN. HINOJOSA: Thank you, Mr. Chairman. 8 Mr. Bledsoe, thank you for your testimony. And I was 9 very interested as you described the history in where 10 minorities for a long time were being kept from voting 11 and exercising their right to vote. You talk about many 12 problems from intimidation, I guess, to the poll tax. 13 Can you name some of those situations, for example, 14 where laws have been passed for the sole purpose of 15 trying to suppress the vote of minorities? 16 MR. BLEDSOE: Obviously there were -- 17 there were a number of those that occurred. One of the 18 things that we had in our state was the grandfather 19 clause. You know, we had had poll taxes in this state, 20 and ultimately in this state they ended up passing the 21 rule that was used in the Democratic Primary, which at 22 that time there were -- the two parties were the 23 conservative Democrats and the liberal Democrats. And 24 so if you didn't vote in that Democratic primary, you 25 really didn't have a vote.</p>
<p style="text-align: right;">342</p> <p>1 were used there within the content of those campaigns? 2 MR. BLEDSOE: I think those things became 3 part of litigation, if I'm not -- 4 SEN. WEST: All right. So, frankly, the 5 passage of this particular bill will encourage 6 additional litigation in the civil rights area. Is that 7 correct? 8 MR. BLEDSOE: There's no question. Let's 9 look at the PV 19, for example -- 10 SEN. WEST: Right. 11 MR. BLEDSOE: -- and the 19 children who 12 bore the names of their fathers, and they were 13 wrongfully prosecuted because they voted in Waller 14 County. And that county still has enormous problems. 15 You know, we had a couple years ago where the county 16 registration officials declined to follow through and 17 tender legitimately completed voter registration cards 18 to be registered, and that was right before an election, 19 and that continues to be a problem. And if it wasn't 20 for the AG's Office telling them ultimately to register 21 those voters, I don't know if they ever would have been 22 registered, but they were not registered before the 23 election. So there was an impact in them not following 24 through and registering those voters. 25 SEN. WEST: Well, sir, I appreciate your</p>	<p style="text-align: right;">344</p> <p>1 And that had to go -- the NAACP litigated 2 that case, and we first defeated that system back in, I 3 think, '28 or '29 before the Supreme Court, but they 4 finessed the rule. And so the NAACP had to litigate it 5 again, go to the Supreme Court again in 1944 where it 6 was finally invalidated. So there have been quite a few 7 instances. But if you happened to be African-American 8 or Latino and your grandfather had not been able to vote 9 in 1910, the teens or the '20s, '30s, you couldn't vote 10 either. 11 SEN. HINOJOSA: And as you well know, 12 Texas right now is under a Voting Rights Act. 13 MR. BLEDSOE: That is correct. 14 SEN. HINOJOSA: And they have an actual 15 burden to prove that whatever laws they pass in terms of 16 voting doesn't discriminate or suppress the vote against 17 minorities. 18 MR. BLEDSOE: And that's one thing they 19 didn't have in Indiana. That's an additional obstacle 20 that they'll have to encounter with the law in this 21 state. 22 SEN. HINOJOSA: And as you recite history, 23 it seems to me that many times different laws, different 24 methods are used to try to suppress the vote of 25 minorities, and they use different euphemisms and</p>

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1 different names. And it seems to me that the purpose of	1 balance and a steep price to pay?
2 the voter ID legislation is, again, to suppress the	2 MR. BLEDSOE: It is. Again, if we wanted
3 vote. Are you familiar with the Carter-Baker Commission	3 to have the integrity, there are things we could do to
4 and Federal Election Reform?	4 ensure integrity more so than what we're actually doing
5 MR. BLEDSOE: Yes, I am.	5 here. You know, there have been good and great
6 SEN. HINOJOSA: Yeah. Well, one of the	6 suggestions that have been put forth. And again, the
7 studies they made would show that here in Texas where we	7 distinctions between Indiana and Georgia is the DMV had
8 have approximately 13 million registered voters, that if	8 IDs on almost all those folks. So when we went to the
9 we pass voter ID, it would disenfranchise approximately	9 Department of Justice in Georgia to get preclearance,
10 3 million voters, mostly minorities. Are you surprised	10 Georgia could tell DOJ that 100 percent of our people we
11 at that?	11 have IDs on already, and that's something we don't have.
12 MR. BLEDSOE: I'm not, because I think	12 SEN. HINOJOSA: Thank you for your
13 this will have enormous implications. And again, if we	13 testimony.
14 wanted to look at Indiana or Georgia, I would have	14 MR. BLEDSOE: Thank you, sir. Thank you,
15 problems, but those laws -- they are so much less	15 Mr. Chair.
16 restrictive than what's being proposed here. This law	16 CHAIRMAN DUNCAN: Hold on just a minute.
17 would have enormous implications because of the way that	17 Senator Ellis?
18 it is written. So it seems like instead of seeking the	18 SEN. ELLIS: Yeah, briefly, Mr. President.
19 least restrictive means, we're seeking the most	19 I just wanted to thank Mr. Bledsoe. I called him last
20 restrictive means.	20 night and asked him to come. I know he had client
21 SEN. HINOJOSA: And as you describe the	21 business and court matters toady, and you've been
22 different problems that exist in terms of sometimes	22 waiting all day to testify. I think my colleagues asked
23 intimidation, sometimes in placing obstacles to	23 the questions I would have asked, but I just wanted to
24 minorities to vote, have you come across a lot of	24 publically thank you for staying here all day today.
25 instances where there's voter fraud where a person tried	25 MR. BLEDSOE: Thank you, Senator. I
346	348
1 to impersonate a registered voter?	1 appreciate it. Thank you.
2 MR. BLEDSOE: I have not seen of such a	2 CHAIRMAN DUNCAN: Are there any other
3 situation, Senator. I think there are very few	3 questions of the witness?
4 situations because you are putting yourself in harm's	4 (No response)
5 way when you do that, even under the current laws. So I	5 CHAIRMAN DUNCAN: Thank you, Mr. Bledsoe.
6 think there are fail-safes under the current law that	6 We appreciate your appearance here today.
7 would prevent you from doing that. But be that as it	7 TESTIMONY BY ANDRES TIJERINA
8 is, I think that it's pretty much widely acknowledged	8 CHAIRMAN DUNCAN: Dr. Andres Tijerina.
9 today that that's really -- really not a problem.	9 Dr. Tijerina, state your name and who you represent.
10 SEN. HINOJOSA: And, for example, the last	10 MR. TIJERINA: My name is Andres Tijerina
11 ten years, do you know how many prosecutions have taken	11 representing myself.
12 place in terms of indicting a person for trying to	12 CHAIRMAN DUNCAN: You may begin.
13 impersonate a registered voter?	13 MR. TIJERINA: I'm a citizen of Austin, a
14 MR. BLEDSOE: I think I saw something on	14 citizen of Texas, born in Texas, and I'd like to provide
15 the Internet maybe about one in South Texas recently and	15 some useful information to give a historical perspective
16 one person, and there might have been something in	16 to voting laws and specifically those that have been
17 Harris County. But in all those years, maybe one or	17 discriminatory against Mexican-Americans and minorities
18 two, and I don't know if they were successful or not.	18 in Texas.
19 SEN. HINOJOSA: Well, if you compare the	19 As I said, I am from Texas. I'm from West
20 number of people who have been indicted, maybe three or	20 Texas. I have a BA from A&M, a masters from Tech, a
21 four or five in the last five or six years that try to	21 Ph.D. from The University of Texas at Austin, and I also
22 impersonate a voter, to the negative impact that this	22 worked as the liaison officer for the United States Air
23 piece of legislation would have on minorities by	23 Force Academy in Colorado Springs. I'm a retired Air
24 disenfranchising approximately 3 million who do not	24 Force officer. I'm a member of the Texas State
25 carry photo ID, don't you think it's a little bit out of	25 Historical Association among other associations. I'm

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<p style="text-align: right;">349</p> <p>1 also a Fellow of the TSHA, and I've conducted research 2 here at the State Archives, the National Archives, 3 University of Texas and other places in order to write 4 numerous books and publications that I've published 5 through Texas A&M University press and other refereed 6 publications, primarily on Texas history and 7 Mexican-American history that's given me this -- a 8 perspective that I'd like to share with you all this 9 afternoon.</p> <p>10 Texas, I think, has a legacy and a history 11 of voter discrimination that is very clearly directed 12 and explicitly directed at Mexican-Americans to 13 specifically and effectively keep them from voting that 14 goes way back to the establishment of Texas right after 15 it was annexed to the United States and goes right on up 16 to the present.</p> <p>17 It has a record of establishing and 18 writing laws to create legal devices and to take actions 19 specifically intended to intimidate Mexican-Americans 20 and minorities from voting, to drive them away from the 21 polls; actions to divide and to redistrict their 22 population base, their counties, specifically directed 23 to keep them from voting or to weaken their voting 24 effect in Texas; devices and actions to literally 25 terrorize them through the years, through the decades.</p>	<p style="text-align: right;">351</p> <p>1 Edward M. House, who benefited from corralling of 2 Mexican-American voters, either through assistance to 3 those voters or intimidation and threats of those 4 voters.</p> <p>5 The Terrell Election Law, which was 6 presented as a beneficial law, actually created a poll 7 tax specifically directed at Mexican-American voters to 8 keep them from voting, a 1918 law to explicitly 9 eliminate interpreters; other devices like the white 10 man's primary that required that people take an oath 11 that said that they were a white man and a Democrat; but 12 also violence, violence that is almost unbelievable 13 today, even considering the violence that we see in 14 today's newspapers, even considering the violence you 15 see in Mexico; Texas Rangers, law enforcement officials 16 or vigilante groups in Harlingen, Edinburg, across Texas 17 all the way out to El Paso, riots in which the 18 Anglo-American, 4,000 Anglo-American riders in 1916 in 19 Harlingen chanting, "Keep the Mexicans from voting," 20 literally rioted and lynched several Mexican-American 21 U.S. citizens to keep them from voting; Texas Rangers 22 literally ethnic-cleansing hundreds and thousands of 23 U.S. citizens, shooting them in the back of the head 24 under sworn testimony that we have here in the Texas 25 State library, all of them explicitly to keep them from</p>
<p style="text-align: right;">350</p> <p>1 The effect has been to effectively reduce 2 the number of Mexican-Americans who have voted through 3 the years, through the history of Texas, and at the same 4 time to leave an impact or a legacy among their 5 community of distrust of the state government and even a 6 fear of state government and state law enforcement 7 officials. This has been done in many ways that 8 appeared beneficial or that were presented as beneficial 9 even innocuous laws. Many of the people who effected 10 this were people who approached Mexican-Americans 11 innocuously or supposedly to help them.</p> <p>12 Political bosses, Texas has some of the 13 most powerful political bosses, or had through history, 14 Jim Wells, Robert Kleberg, George Parr, who used very 15 explicit and physical methods, literally corralling 16 hundreds of Mexican-American voters, thousands of 17 Mexican-American voters, primarily in the years from 18 around 1870 until around 1940, 1950, where they would 19 literally corral hundreds or thousands and direct those 20 votes, either through assistance to them by hiring them 21 to work on the county at election time or literally 22 through intimidation or specific assassinations. In any 23 case, taking hundreds or thousands of Mexican-Americans 24 and then directing them to vote for people who became 25 great Texans, Lyndon B. Johnson, John Nance Garner,</p>	<p style="text-align: right;">352</p> <p>1 voting at election time; going through the barrios in 2 Corpus Christi and Harlingen at election time, riding 3 through and telling them, "Any Mexican-American citizen 4 caught voting would be either killed or sent to prison."</p> <p>5 That's the heritage of Texas, and it goes 6 all the way on up to the lynchings in the 1930s, 1940s 7 of Mexican-Americans. And then later all the way up 8 through the 1960s and 1970s, Mexican-American 9 organizations, LULAC, GI forum and voter right -- 10 Southwest Voter Education Project of Woody Velasquez, 11 having to literally engage in lawsuits to try to enforce 12 the 1965 Voter Rights Act that has continued up until 13 last -- well, 2008, in this very county, a group tried 14 to, in effect, limit the extension of the Voter Rights 15 Act and actually had to go up to an appeals court of the 16 U.S. Supreme Court.</p> <p>17 So the record of Texas has been 18 specifically directed against Mexican-Americans and 19 minority voters, and it's been very effective, not only 20 in limiting and reducing their votes, but also in 21 creating a legacy among their community of distrust of 22 our state government, distrust of our voting process, 23 distrust of the democratic process and even fear. Thank 24 you.</p> <p>25 CHAIRMAN DUNCAN: Thank you, Dr. Tijerina.</p>

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<p style="text-align: right;">353</p> <p>1 Are there any questions?</p> <p>2 (No response)</p> <p>3 CHAIRMAN DUNCAN: All right. The Chair</p> <p>4 hears none. We appreciate your testimony.</p> <p>5 MR. TIJERINA: Thank you.</p> <p>6 QUESTIONS FROM SENATE FLOOR</p> <p>7 CHAIRMAN DUNCAN: Oh, I'm sorry. Excuse</p> <p>8 me. We do have Senator Gallegos.</p> <p>9 Excuse me, Senator.</p> <p>10 SEN. GALLEGOS: Professor, let me ask</p> <p>11 you -- I mean, I just heard your testimony and the</p> <p>12 history, and you've said all that discrimination has</p> <p>13 been targeted mainly to Mexican-Americans here in the</p> <p>14 state of Texas. Is that correct?</p> <p>15 MR. TIJERINA: Yes, sir, very explicitly</p> <p>16 to Mexican-Americans.</p> <p>17 SEN. GALLEGOS: So let me ask you, in your</p> <p>18 expertise on history discrimination except as compared</p> <p>19 to voting rights, how would you compare the present bill</p> <p>20 that is before us as to some of the intimidation and</p> <p>21 discrimination factors that you had just described to us</p> <p>22 in the past and some of the bills that were for like the</p> <p>23 no interpreters? That was in 1918?</p> <p>24 MR. TIJERINA: Yes, sir.</p> <p>25 SEN. GALLEGOS: And some of the other</p>	<p style="text-align: right;">355</p> <p>1 to "kill the Mexican vote," and that's how I would</p> <p>2 compare them.</p> <p>3 Many of these devices through the years</p> <p>4 are written to sound beneficial or innocuous, and yet</p> <p>5 they have just the opposite effect.</p> <p>6 SEN. GALLEGOS: Professor Tijerina, what</p> <p>7 you're describing to me and what I just heard is what</p> <p>8 I've seen on television recounts of what happened in</p> <p>9 Mississippi and in Alabama and those southern states</p> <p>10 that prevented African-Americans from either registering</p> <p>11 or voting. Is that what you're comparing this to?</p> <p>12 MR. TIJERINA: I think it would -- it</p> <p>13 would have a parallel, yes, sir.</p> <p>14 SEN. GALLEGOS: Let me ask you, is there</p> <p>15 any evidence that old historical discriminatory actions</p> <p>16 are relevant or applicable today?</p> <p>17 MR. TIJERINA: Yes, sir, in the sense that</p> <p>18 there has been and there is a legacy today in Texas of</p> <p>19 voter discrimination, voter intimidation and a legacy of</p> <p>20 fear and distrust; yes, sir.</p> <p>21 SEN. GALLEGOS: Professor, let me ask you</p> <p>22 also, is there any evidence -- well, I think you just</p> <p>23 answered this -- of innocuous or beneficial election</p> <p>24 laws that may have actually had the intent to</p> <p>25 disenfranchise Mexican-Americans -- Mexican-American</p>
<p style="text-align: right;">354</p> <p>1 issues that you brought up. How would you compare this</p> <p>2 Senate Bill to the past history that you described to</p> <p>3 this chamber?</p> <p>4 MR. TIJERINA: That those in history also</p> <p>5 were presented in a very positive good light. The</p> <p>6 people who presented these laws and the people who took</p> <p>7 the action, the rioters who lynched Mexican-Americans</p> <p>8 called themselves the Good Government League. They had</p> <p>9 good names. The people who killed and assassinated</p> <p>10 hundreds, even thousands of Mexican-American/U.S.</p> <p>11 citizens, called themselves Progressives. The laws that</p> <p>12 were passed by Terrell himself in the Terrell Election</p> <p>13 Law of 1903, he explicitly stated that he wanted to</p> <p>14 "kill the Mexican vote." The candidates during that</p> <p>15 time period who campaigned for the U.S. Senate -- it's</p> <p>16 in the Senate record -- campaigned that their intent --</p> <p>17 that their intent was to kill the Mexican vote. And yet</p> <p>18 the way the poll tax was written, the way the Terrell</p> <p>19 Election Law was written, it was innocuous. It was</p> <p>20 beneficial. It was written specifically to assure that</p> <p>21 only those legal voters could vote and to clean up the</p> <p>22 elections.</p> <p>23 So to read the Terrell Election Law itself</p> <p>24 was very innocuous or beneficial, and yet to hear</p> <p>25 Terrell himself speak, he was very explicit. He wanted</p>	<p style="text-align: right;">356</p> <p>1 voters?</p> <p>2 MR. TIJERINA: Yes, sir, those that I just</p> <p>3 cited.</p> <p>4 SEN. GALLEGOS: Okay. I just -- I just</p> <p>5 wanted to be clear on that fact. Thank you very much,</p> <p>6 Professor.</p> <p>7 MR. TIJERINA: Thank you.</p> <p>8 CHAIRMAN DUNCAN: Are there any other</p> <p>9 questions of the witness?</p> <p>10 (No response)</p> <p>11 CHAIRMAN DUNCAN: All right. The Chair</p> <p>12 hears none. The witness will be excused. Thank you.</p> <p>13 TESTIMONY BY CHASE BEARDEN</p> <p>14 CHAIRMAN DUNCAN: The Chair calls</p> <p>15 Chase Bearden. Please state your name and who you</p> <p>16 represent.</p> <p>17 MR. BEARDEN: My name is Chase Bearden.</p> <p>18 I'm with the Coalition of Texans with Disabilities.</p> <p>19 Good afternoon. Thank you for a chance to speak to all</p> <p>20 of you.</p> <p>21 We have spent some time looking at voter</p> <p>22 ID, and we feel that there is a portion that will</p> <p>23 disenfranchise a large number of Texans with</p> <p>24 disabilities. We've looked at just the logistics of</p> <p>25 trying to reach a place to get this free ID that</p>

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<p>357</p> <p>1 everyone has talked about.</p> <p>2 There's a large cost associated for a</p> <p>3 person with a disability who lives in a rural area or</p> <p>4 place that's farther out to try and reach a DPS office</p> <p>5 to try and get these IDs. The majority of people with</p> <p>6 disabilities, especially that have had one for their</p> <p>7 entire life, may not have ever gotten a driver's</p> <p>8 license. They may not have a Texas license. They more</p> <p>9 than likely don't have a passport. So when you look at</p> <p>10 trying to get the IDs that you need to go and vote,</p> <p>11 you're starting off at a large cost.</p> <p>12 The majority of people with disabilities</p> <p>13 that are wanting to get these IDs will have to probably</p> <p>14 go and get their birth certificate. To find someone who</p> <p>15 can actually pick them up, drive them there, find an</p> <p>16 accessible vehicle, if they don't have one, or find a</p> <p>17 bus line that actually goes to where they can get a</p> <p>18 birth certificate is going to be very difficult. A lot</p> <p>19 of people said, "Well, maybe they can go online. They</p> <p>20 could access and get their birth certificate sent to</p> <p>21 them online." There's a large number of Texans with</p> <p>22 disabilities who are living on a very small amount of</p> <p>23 money each month. They more than likely don't have a</p> <p>24 computer to even access the Internet much less a</p> <p>25 provider or a credit card that they could use to access</p>	<p>359</p> <p>1 70. And when we thought about that, isn't that similar</p> <p>2 to the same issues that a person with a disability might</p> <p>3 be facing, a harder time getting transportation to get</p> <p>4 in to go get that ID, maybe the cost, living on a fixed</p> <p>5 income? So we have an inconsistency that kind of keeps</p> <p>6 the same person from getting the ID they need, that free</p> <p>7 ID, but we're giving an exemption to someone else.</p> <p>8 When we started looking at a person who is</p> <p>9 traveling to go and actually vote and they get there and</p> <p>10 they don't have the correct ID or they are missing</p> <p>11 something, so they have to cast a provisional ballot,</p> <p>12 trying to get back there within six days can sometimes</p> <p>13 be logistically impossible for a person. They might</p> <p>14 have had to get public transportation to go and get</p> <p>15 there. So they had to set up a ride through one of the</p> <p>16 kind of disability bus systems, but they might not be</p> <p>17 able to get a ride again or to get to the place to get</p> <p>18 the documentation they need to get back and cure their</p> <p>19 ballots.</p> <p>20 Currently right now there are being bills</p> <p>21 filed that would reduce the accessibility at some of the</p> <p>22 polling places on nonfederal elections. They wouldn't</p> <p>23 have to use all the accessible voting machines. We feel</p> <p>24 like if you end up passing a law like that and then you</p> <p>25 add voter ID to that and you're kind of putting a burden</p>
<p>358</p> <p>1 the birth certificate they need. It also takes quite a</p> <p>2 while to get that birth certificate if you were to</p> <p>3 access that online unless you were to expedite it.</p> <p>4 Then after getting that, you would have to</p> <p>5 find a way to get to the DPS office. If you do live in</p> <p>6 a very rural area and you have a significant disability,</p> <p>7 maybe you're using a power chair and your family doesn't</p> <p>8 have an accessible van to be able to get you somewhere,</p> <p>9 you have to look at how are you going to be able to make</p> <p>10 it to where that person can access these IDs easily.</p> <p>11 One of the other areas that we looked at</p> <p>12 was people living in nursing homes, state-supported</p> <p>13 living centers who might not be able to access the IDs</p> <p>14 they need to go and get identification. Do we have</p> <p>15 something in place that's going to allow them to be able</p> <p>16 to go and more than likely not be able to catch a ride</p> <p>17 or hop in their car and drive down to the DPS office.</p> <p>18 They are living in a state-supported living center, but</p> <p>19 they still have the right to vote.</p> <p>20 So looking at how they would get their</p> <p>21 identifications, we feel like they would still more than</p> <p>22 likely be put in a place where they are not going to be</p> <p>23 able to get the identification they need.</p> <p>24 One of the other areas that we looked at</p> <p>25 was that there's an exemption for a person that's over</p>	<p>360</p> <p>1 on someone trying to force them to get an ID that they</p> <p>2 might not be able to get to, and then they get to the</p> <p>3 polling place and they don't even have the accessibility</p> <p>4 they need to cast a private ballot. It's just recently</p> <p>5 in 2001 that we've been able to get the technology we</p> <p>6 need to cast that private ballot without someone else</p> <p>7 doing it for us. And now we're looking at having that</p> <p>8 removed and then being forced to try and find an ID</p> <p>9 that's acceptable that might not be obtainable by</p> <p>10 everyone.</p> <p>11 So we ask that y'all take the time to</p> <p>12 really investigate how these IDs will really affect</p> <p>13 someone who might not be able to obtain what it is y'all</p> <p>14 are asking for. Thank you.</p> <p>15 CHAIRMAN DUNCAN: Thank you, Mr. Bearden.</p> <p>16 QUESTIONS FROM SENATE FLOOR</p> <p>17 CHAIRMAN DUNCAN: Senator Zaffirini?</p> <p>18 SEN. ZAFFIRINI: Thank you for being with</p> <p>19 us this afternoon, Mr. Bearden. Excellent testimony. I</p> <p>20 have several questions for you that will focus on the</p> <p>21 needs of persons with disabilities and how they will be</p> <p>22 impacted if Senate Bill 14 were to pass.</p> <p>23 First, are persons with disabilities less</p> <p>24 likely to have a current driver's license, military ID</p> <p>25 or passport than the general population of voters?</p>

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<p style="text-align: right;">361</p> <p>1 MR. BEARDEN: I think there's probably a 2 large number of people with disabilities who don't have 3 a current driver's license or who don't have a driver's 4 license. Many depend on the bus system, and they live 5 in areas where they can access buses. Not all the bus 6 systems will access DPS. Not all people with 7 disabilities are going to have a passport. Many of them 8 are living on a fixed income and more than likely are 9 not traveling abroad. They more than likely have not 10 been in the military or are carrying any other type of 11 ID. 12 SEN. ZAFFIRINI: And what is the reason 13 for this? Why is it that persons with disabilities -- 14 and I'm trying to enter it into the record. Why is it 15 that persons with disabilities are less likely than 16 other voters to have these documents? 17 MR. BEARDEN: People with disabilities 18 tend to be of the lowest demographics when it comes to 19 having jobs, having income. They are having a harder 20 time trying to get the services they need. So being 21 able to have a driver's license or a passport is a lot 22 of times unobtainable. 23 SEN. ZAFFIRINI: Thank you. What 24 additional barriers do persons with disabilities have in 25 obtaining the forms of ID requested or required by</p>	<p style="text-align: right;">363</p> <p>1 majority of people who have disabilities are living on a 2 fixed income. They don't have access to a computer. 3 They don't have access to the Internet and more than 4 likely not to have a newspaper to receive the 5 information. So we don't feel that they will be able to 6 get all the information. 7 SEN. ZAFFIRINI: Thank you. What effect 8 do you believe that Senate Bill 14 would have on the 9 turnout of voters with disabilities? 10 MR. BEARDEN: The turnout of voters with 11 disabilities has increased up to -- we feel like it will 12 decrease. The majority of people will show up. They'll 13 try and cast their vote. They will have to do a 14 provisional ballot, and I think when they start to look 15 at having to come back, they will have a harder time 16 making it. The journey getting there sometimes is 17 incredibly difficult, trying to find a way to get there, 18 trying to get everything in order to be able to get 19 there. So we do think it will decrease the turnout. 20 SEN. ZAFFIRINI: Thank you. Now, thinking 21 specifically of persons with disabilities who are 22 registered voters and who do have a photo ID, is there 23 any way that they would be impacted negatively by Senate 24 Bill 14? 25 MR. BEARDEN: I think they could be if</p>
<p style="text-align: right;">362</p> <p>1 Senate Bill 14. 2 MR. BEARDEN: Could you repeat that again? 3 SEN. ZAFFIRINI: What additional barriers 4 do persons with disabilities have or would have in 5 obtaining the forms of identification required by Senate 6 Bill 14? 7 MR. BEARDEN: I think many of the barriers 8 would be -- I think it was brought up that one of the 9 DPS offices was inaccessible. There's still 10 accessibility issues in Texas. We've had accessibility 11 issues in polling places. 12 When you look at trying to get \$22 put 13 together to buy a birth certificate, have to take the 14 time to get that birth certificate, then go to get 15 another ID, I think when you look at the amount of money 16 that that is -- and I know everyone doesn't feel it's a 17 large amount of money -- but someone living on a fixed 18 income, on SSI, that is a large portion of their funds, 19 and a lot of them won't be able to obtain it. 20 SEN. ZAFFIRINI: Would the voter 21 identification required in this bill be sufficient to 22 ensure access to accurate information about the new ID 23 requirement information for the full range of persons 24 with disabilities in our state? 25 MR. BEARDEN: We don't feel it will. The</p>	<p style="text-align: right;">364</p> <p>1 they do not bring their ID. The majority of people with 2 disabilities, if they had a photo ID and were to show up 3 without it or to have one that has expired, may not have 4 the time to actually go afterwards, get an ID redone or 5 to get a current ID to be able to make it back and have 6 their ballot cured in time. 7 SEN. ZAFFIRINI: Would part of the problem 8 be that they might have a photo ID that is very old? 9 MR. BEARDEN: I think that's very 10 possible. There's a lot of people who might have 11 received an injury who were driving before who are not 12 driving anymore, who have held onto an ID that has 13 expired. That's all they've needed. So more than 14 likely if they are not driving and their ID is expired, 15 they probably won't have a current ID. 16 SEN. ZAFFIRINI: And they might have a 17 driver's license that has expired, too -- 18 MR. BEARDEN: Uh-huh, yes. 19 SEN. ZAFFIRINI: -- that would have a 20 photo? 21 What affect do you believe Senate Bill 14 22 would have on the number of provisional ballots cast by 23 voters with disabilities? 24 MR. BEARDEN: I think we'll have a lot -- 25 a larger amount of provisional ballots casted, and I</p>

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<p>365</p> <p>1 don't think we will be able to -- in the next few 2 elections be able to educate people fast enough to be 3 able to lower that level. We've spent since 2001 4 educating people, that they have the technologies now to 5 make an independent, private vote themselves. And it 6 took time to get people to understand that if they were 7 visually impaired, they didn't have to rely on someone 8 else anymore. They went before, they had a bad 9 experience, weren't able to cast their own ballot, and 10 then once we passed HAVA and they had the technology to 11 cast their own ballot, it took us time to get people 12 educated to know that they can still do that and how to 13 do that. So I think we would be kind of taking steps 14 backwards by doing this.</p> <p>15 SEN. ZAFFIRINI: To your knowledge, have 16 HAVA funds been used specifically to increase the access 17 of persons with disabilities to polling places.</p> <p>18 MR. BEARDEN: Yes, they have. We've 19 specifically worked with HAVA and the Secretary of 20 State's Office to increase Texans with disabilities 21 voter outreach. We've also worked with them on finding 22 access issues. So I think these funds would be greatly 23 hampered, and the ability for Texans to be able to vote 24 would have problems.</p> <p>25 SEN. ZAFFIRINI: Do you have any concerns</p>	<p>367</p> <p>1 SEN. ZAFFIRINI: And that comprises 2 different member organizations?</p> <p>3 MR. BEARDEN: Yes, it does.</p> <p>4 SEN. ZAFFIRINI: Who are some of those 5 member organizations?</p> <p>6 MR. BEARDEN: We have organizations that 7 are not disability related. We have a majority of 8 disability groups that are out there. I think we 9 have --</p> <p>10 SEN. ZAFFIRINI: Do you have veterans, for 11 example --</p> <p>12 MR. BEARDEN: We do; we do.</p> <p>13 SEN. ZAFFIRINI: -- with disabilities?</p> <p>14 MR. BEARDEN: We have veterans' 15 associations. We have organizations that are more 16 specific to single disabilities. We've worked with 17 groups of older Texans.</p> <p>18 SEN. ZAFFIRINI: And is your testimony 19 today personal, or are you representing this Coalition 20 of Texans with Disabilities?</p> <p>21 MR. BEARDEN: I'm representing the 22 Coalition of Texans with Disabilities.</p> <p>23 SEN. ZAFFIRINI: Have they discussed this 24 bill thoroughly?</p> <p>25 MR. BEARDEN: Yes.</p>
<p>366</p> <p>1 about the plan or the possibility of diverting 2 \$2 million in HAVA funds to pay for this Senate Bill 14 3 instead?</p> <p>4 MR. BEARDEN: Yes. Because right now I 5 believe that's about what they are spending to do all 6 the outreach and to work on accessibility and to 7 maintain some of the voting machines. Right now what 8 they've said, the reason -- I believe one of the House 9 bills that's been filed to not have to have the 10 accessible voting machines is that it's a higher cost 11 during nonfederal elections. If that's the case and the 12 counties are not able to afford to make -- have an 13 accessible machine, the funds that could have helped 14 them are probably now going to be taken away to let 15 people know that they're going to need an ID.</p> <p>16 SEN. ZAFFIRINI: So it is your testimony 17 that if \$2 million in HAVA funds are diverted for the 18 purpose of Senate Bill 14, that there could be a 19 negative impact on the accessibility of persons with 20 disabilities to the polling places?</p> <p>21 MR. BEARDEN: Yes.</p> <p>22 SEN. ZAFFIRINI: Thank you. Now, 23 Mr. Bearden, you represent the Coalition of Texans with 24 Disabilities?</p> <p>25 MR. BEARDEN: Yes, I do.</p>	<p>368</p> <p>1 SEN. ZAFFIRINI: And what is their 2 consensus about this bill?</p> <p>3 MR. BEARDEN: We feel it will 4 disenfranchise a portion of Texans with disabilities.</p> <p>5 SEN. ZAFFIRINI: And you are speaking for 6 this coalition --</p> <p>7 MR. BEARDEN: -- yes.</p> <p>8 SEN. ZAFFIRINI: -- when you stand in 9 opposition to this bill?</p> <p>10 MR. BEARDEN: Yes.</p> <p>11 SEN. ZAFFIRINI: Thank you. Now, you're 12 familiar with the bill, of course, and you've seen 13 different versions of it through the years?</p> <p>14 MR. BEARDEN: Yes.</p> <p>15 SEN. ZAFFIRINI: Can you think of any 16 amendments that we could propose that would help address 17 the issues that are of concern to persons with 18 disabilities?</p> <p>19 MR. BEARDEN: I think an amendment that 20 might be similar to a person who is 70 years old who 21 would be able to say that they have a disability and 22 that maybe they have the registrar -- they have written 23 earlier to the voter registrar and stated they have a 24 disability that would affect them from being able to get 25 the ID to be able to just present their voter</p>

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1 registration card.	1 CHAIRMAN DUNCAN: All right. Any other
2 SEN. ZAFFIRINI: Are there any other	2 member have a question? Senator Watson, you're
3 amendments that could cure this bill for you?	3 recognized.
4 MR. BEARDEN: I can't think of any right	4 SEN. WATSON: Yes. Thank you,
5 now, but I could ask more of our groups.	5 Mr. Chairman. Ma'am, you may not be the right person to
6 SEN. ZAFFIRINI: Well, I offer you the	6 ask this, but I was deferred earlier, and so I thought I
7 opportunity to work with my staff today, and we will	7 would ask a couple of questions and see if you are the
8 address those concerns, and we will try to craft some	8 right person.
9 amendments that would suit your issues --	9 Right now when someone goes in to get an
10 MR. BEARDEN: Sounds good.	10 identification, is it your office that provides that
11 SEN. ZAFFIRINI: -- and try to cure them.	11 identification card?
12 MR. BEARDEN: Thank you.	12 MS. DAVIO: Yes, sir.
13 SEN. ZAFFIRINI: Thank you very much,	13 SEN. WATSON: And how much is charged for
14 Mr. Bearden.	14 that identification card?
15 Thank you, Mr. Chairman.	15 MS. DAVIO: That card is \$15.
16 CHAIRMAN DUNCAN: Thank you, Senator. Are	16 SEN. WATSON: All right. So how much does
17 there any other questions of Mr. Bearden?	17 it cost you to produce the card?
18 (No response)	18 MS. DAVIO: \$1.67 to produce and mail it.
19 CHAIRMAN DUNCAN: All right. Thank you,	19 SEN. WATSON: All right. So if we're
20 Mr. Bearden. I appreciate your testimony.	20 looking at it from a budgetary standpoint for the state
21 Members, that concludes the invited	21 of Texas, it costs you \$1.60, but currently the state
22 testimony for the day. We have been going now for a	22 collects \$15?
23 little over three hours, and so it's time for a short	23 MS. DAVIO: Yes, sir. \$1.67 is what our
24 break. We'll take a 15-minute break, and then we'll	24 costs are.
25 begin testimony with regard to our resource witnesses.	25 SEN. WATSON: I'm sorry. \$1.67. I
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1 My plan is just to call them up in the order that I've	1 rounded that down, didn't I? So now you've made the
2 previously announced, and you can ask any questions, and	2 math completely hard for me and probably impossible.
3 then we'll go into public testimony after that.	3 MS. DAVIO: I'm sorry.
4 So the Senate Committee of the Whole will	4 SEN. WATSON: But the bottom line to it is
5 stand at ease until 5:45.	5 there's a net -- 15 minus \$1.67 gives the state of Texas
6 (Recess: 5:30 p.m. to 5:45 p.m.)	6 a net return?
7 CHAIRMAN DUNCAN: Senate Committee of the	7 MS. DAVIO: Yes, sir.
8 Whole will come back to order.	8 SEN. WATSON: Now, under this legislation,
9 RESOURCES TESTIMONY	9 have you seen that there is no means test for someone
10 TESTIMONY BY REBECCA DAVIO	10 that comes in to get an ID card?
11 CHAIRMAN DUNCAN: We have -- Members, the	11 MS. DAVIO: No, sir.
12 next portion of this hearing will be our resource	12 SEN. WATSON: You've not seen that, or am
13 witnesses. The first resource witness we announced	13 I saying that right?
14 earlier will be Rebecca David (sic) with the Texas	14 MS. DAVIO: By "means test," do you mean
15 Department of Public Safety.	15 do they qualify? Do they have to show economic
16 Ms. David, why don't you come on up, state	16 disadvantage?
17 your name and who you represent, and then we'll open the	17 SEN. WATSON: That's right.
18 floor to questions.	18 MS. DAVIO: No, sir.
19 MS. DAVIO: My name is Rebecca Davio. I	19 SEN. WATSON: There's not a means test, is
20 am the Assistant Director for Driver Licenses at DPS.	20 there?
21 QUESTIONS FROM SENATE FLOOR	21 MS. DAVIO: No, sir. I didn't see one.
22 CHAIRMAN DUNCAN: Okay. Senator	22 SEN. WATSON: And, in fact, it forbids
23 Zaffirini, you have a light on. Are you -- would you	23 your department from collecting a fee if an eligible
24 like to ask any questions?	24 voter -- if a person is an eligible voter or submits a
25 SEN. ZAFFIRINI: (Nodded)	25 registration application. Is that right?

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<p style="text-align: right;">373</p> <p>1 MS. DAVIO: Yes, sir. That's the way that 2 I understand it.</p> <p>3 SEN. WATSON: And have you had a chance to 4 look at the fiscal note for this legislation?</p> <p>5 MS. DAVIO: Yes, sir.</p> <p>6 SEN. WATSON: Have you seen anywhere in 7 that fiscal note where it looks to try to determine what 8 the cost to the state of Texas would be for the state 9 losing the fees if people were able to get these 10 identification cards for free?</p> <p>11 MS. DAVIO: No, sir. I don't believe 12 that's covered in the fiscal note. We were unable to 13 estimate that because we didn't know how many people 14 would take advantage of the card -- of the free ID card.</p> <p>15 SEN. WATSON: But you would anticipate 16 some would, otherwise it wouldn't be in the bill. Is 17 that right?</p> <p>18 MS. DAVIO: I'm sorry. I don't understand 19 that question.</p> <p>20 SEN. WATSON: You would anticipate that 21 some people would attempt to get the card for free?</p> <p>22 MS. DAVIO: Yes, sir. That would make 23 sense.</p> <p>24 SEN. WATSON: Are you familiar with the 25 legislation or the fiscal note that was attached to</p>	<p style="text-align: right;">375</p> <p>1 residence here. And the second thing is to demonstrate 2 who you are, to prove who you are by providing various 3 different types of identification.</p> <p>4 SEN. WILLIAMS: Okay. Anything else? Do 5 you have to be photographed or fingerprinted or anything 6 like that?</p> <p>7 MS. DAVIO: Yes, sir, you do have to be 8 photographed and fingerprinted and provide your 9 signature.</p> <p>10 SEN. WILLIAMS: Okay. Can someone have 11 both a Texas driver's license and an ID?</p> <p>12 MS. DAVIO: Yes, sir.</p> <p>13 SEN. WILLIAMS: And if someone had a 14 driver's license and they wanted to come back and get a 15 free ID, if they wanted to stand in line to do that, 16 they could do that. Is that correct?</p> <p>17 MS. DAVIO: Yes, sir, as I understand it.</p> <p>18 SEN. WILLIAMS: Okay. How long does it 19 take once an applicant has submitted all of their 20 materials to DPS to actually mail out the physical ID?</p> <p>21 MS. DAVIO: We issue a temporary receipt 22 that's good for 45 days. The time that it takes varies. 23 We are currently, I believe, running about 35 days 24 production and mailing time. There are times -- we're 25 having some equipment problems right now. There are</p>
<p style="text-align: right;">374</p> <p>1 House Bill 218 in the 2007 session?</p> <p>2 MS. DAVIO: I'm sorry, sir. I am not. I 3 just started this job in June of this year.</p> <p>4 SEN. WATSON: Well, I don't -- that's one 5 of the better answers I've heard today. So thank you.</p> <p>6 Are you familiar with the fiscal note that 7 was attached to House Bill 2335 in the last session of 8 the legislature?</p> <p>9 MS. DAVIO: Again, no, sir.</p> <p>10 SEN. WATSON: Okay. Thank you very much.</p> <p>11 MS. DAVIO: Thank you.</p> <p>12 CHAIRMAN DUNCAN: Senator Williams, you 13 are recognized.</p> <p>14 SEN. WILLIAMS: Thank you. I appreciate 15 you being here tonight and staying with us all day. I 16 have several questions that I wanted to ask just to 17 clarify some things that I think have been brought up as 18 we went along here. For the record, can you tell us 19 what the requirements are for someone to receive 20 either -- well, to receive an official identification 21 card from the state of Texas?</p> <p>22 MS. DAVIO: Yes, sir. Basically, those 23 requirements are quite simple. You can say that you 24 have to verify that you qualify, and currently that is 25 proving that you are a U.S. citizen or you have lawful</p>	<p style="text-align: right;">376</p> <p>1 times when it's shorter than that.</p> <p>2 SEN. WILLIAMS: Okay. And the temporary 3 ID is valid for how long?</p> <p>4 MS. DAVIO: Forty-five days.</p> <p>5 SEN. WILLIAMS: Okay. About the same 6 amount of time that it takes to get the physical 7 license. Okay.</p> <p>8 MS. DAVIO: Yes, sir.</p> <p>9 SEN. WILLIAMS: What security features 10 does a temporary ID have?</p> <p>11 MS. DAVIO: The temporary ID has a picture 12 of the ID or driver license applicant and also has their 13 basic demographic information that's shown on the 14 license.</p> <p>15 SEN. WILLIAMS: Okay. There's been a lot 16 said about how many licenses -- how many license 17 offices -- driver's license offices we have around the 18 state.</p> <p>19 MS. DAVIO: Yes, sir.</p> <p>20 SEN. WILLIAMS: Can you tell me what the 21 total number of driver's license offices are?</p> <p>22 MS. DAVIO: Yes, sir. There are 307 23 locations. Currently 226 of those are operating. That 24 includes 174 full-time offices, 34 part-time offices and 25 18 mobile offices that are open.</p>

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<p>377</p> <p>1 SEN. WILLIAMS: Okay. And how many</p> <p>2 counties do not have a driver's license office?</p> <p>3 MS. DAVIO: There are 77.</p> <p>4 SEN. WILLIAMS: Seventy-seven. Okay.</p> <p>5 MS. DAVIO: Yes, sir. And I do have a map</p> <p>6 that shows the driver license offices if you'd like to</p> <p>7 have that passed out.</p> <p>8 SEN. WILLIAMS: Okay. I think we've had</p> <p>9 one submitted earlier and -- no, we haven't? Okay.</p> <p>10 Well, let's -- why don't we go ahead and submit that</p> <p>11 into evidence.</p> <p>12 MS. DAVIO: This map, when you get it,</p> <p>13 will show the full-time, the part-time and mobile</p> <p>14 offices that are open and the offices that are</p> <p>15 temporarily closed.</p> <p>16 SEN. WILLIAMS: Okay.</p> <p>17 CHAIRMAN DUNCAN: Okay. Ms. Davio, let us</p> <p>18 first -- this will be Exhibit 9.</p> <p>19 (Exhibit No. 9 marked)</p> <p>20 CHAIRMAN DUNCAN: And you've just</p> <p>21 described Exhibit 9 as a map. Driver's License Offices</p> <p>22 in Texas is what the label is, and that will be</p> <p>23 distributed. Exhibit 9, is there any objection to</p> <p>24 receiving that?</p> <p>25 (No response)</p>	<p>379</p> <p>1 difficult, impossible really, to get the new equipment</p> <p>2 to work.</p> <p>3 SEN. WILLIAMS: So when you say Legacy</p> <p>4 equipment and the new equipment, you're talking about</p> <p>5 computers that you use to process the information --</p> <p>6 MS. DAVIO: Yes, sir. I'm sorry.</p> <p>7 SEN. WILLIAMS: -- that people get in?</p> <p>8 MS. DAVIO: Yes, sir.</p> <p>9 SEN. WILLIAMS: Okay. And so what kind of</p> <p>10 information is being submitted? I guess what we're</p> <p>11 trying to do is meet the qualifications of the REAL ID</p> <p>12 Act, which is a federally mandated program -- right --</p> <p>13 and that's why we're switching to this new equipment?</p> <p>14 MS. DAVIO: Well, we're switching to the</p> <p>15 new equipment because our old system was so old.</p> <p>16 SEN. WILLIAMS: Right.</p> <p>17 MS. DAVIO: There are many safeguards that</p> <p>18 are built into the new technology. For example, we now</p> <p>19 scan real-time all the documents that are brought in.</p> <p>20 So it used to be that we had to make copies and send</p> <p>21 those back to headquarters for scanning. They are now</p> <p>22 scanned real-time, and we give the originals back to the</p> <p>23 customer. We also capture a photo, the fingerprints and</p> <p>24 the image of the person's signature.</p> <p>25 SEN. WILLIAMS: So --</p>
<p>378</p> <p>1 CHAIRMAN DUNCAN: Exhibit 9 is received.</p> <p>2 (Exhibit No. 9 admitted)</p> <p>3 SEN. WILLIAMS: Okay. So we have 77</p> <p>4 counties that don't have a license office. Is that</p> <p>5 correct?</p> <p>6 MS. DAVIO: Yes, sir.</p> <p>7 SEN. WILLIAMS: Okay. And could you</p> <p>8 describe for me briefly -- you mentioned that some</p> <p>9 offices are temporarily closed. Why are those offices</p> <p>10 temporarily closed, and what is the department doing to</p> <p>11 remedy that situation?</p> <p>12 MS. DAVIO: Yes, sir. The DPS just</p> <p>13 implemented our new driver license system, fully</p> <p>14 implemented in May. Our mobile offices are functioning</p> <p>15 on equipment from our Legacy system, and that equipment</p> <p>16 is very, very old. And as it breaks, we are unable to</p> <p>17 replace it. We simply can't get parts. We can't get</p> <p>18 replacement pieces even trying to go out and buy things</p> <p>19 on eBay, and so we have no other choice other than to</p> <p>20 temporarily close that office.</p> <p>21 We have tried to get new equipment --</p> <p>22 equipment for our new system to work in these mobile</p> <p>23 locations. And the way that we've changed -- the way</p> <p>24 that we have changed the way we do driver license, we're</p> <p>25 pushing much more data through, and so we find it very</p>	<p>380</p> <p>1 MS. DAVIO: And that's a lot of data.</p> <p>2 SEN. WILLIAMS: Yeah. And the issue is --</p> <p>3 and have you tried using these mobile phone air cards or</p> <p>4 anything like that to be able to have --</p> <p>5 MS. DAVIO: We have tried using air cards.</p> <p>6 We have tried using DSL lines. All of our offices,</p> <p>7 full-time offices, use T1 lines, and that's been the</p> <p>8 only thing that we can find.</p> <p>9 SEN. WILLIAMS: Okay. So you mentioned to</p> <p>10 me yesterday when we visited that you have an initiative</p> <p>11 going on. Tell us a little bit about what you're trying</p> <p>12 to do.</p> <p>13 MS. DAVIO: Yes, sir. We realized that</p> <p>14 closing these offices even temporarily might cause a</p> <p>15 burden. What we're trying to do is look and be able to</p> <p>16 provide a more consistent level of service. We found</p> <p>17 that in some locations we only serve one or two or a</p> <p>18 very small number of customers, when in our other</p> <p>19 offices customers experience a very long wait time. And</p> <p>20 so we're trying to equalize that level of service as</p> <p>21 much as we can, provide a consistent high quality level</p> <p>22 of service across the state.</p> <p>23 So to do this we are doing a business</p> <p>24 intelligence analysis project. That actually means that</p> <p>25 we are looking at our data very carefully to see how</p>

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<p style="text-align: right;">381</p> <p>1 many transactions are conducted at what location, how</p> <p>2 long those transactions take, that kind of thing, so</p> <p>3 that we can optimize the use of our resources. We</p> <p>4 realize this is not a good time to come and ask for</p> <p>5 additional resources, and so we're trying to make the</p> <p>6 best use of the resources that we can through this</p> <p>7 analysis project.</p> <p>8 SEN. WILLIAMS: Okay. Can a noncitizen</p> <p>9 get an ID card from the state?</p> <p>10 MS. DAVIO: A noncitizen, yes. If you are</p> <p>11 an asylee or a refuge or have some other status of</p> <p>12 lawful presence, yes, sir, you can.</p> <p>13 SEN. WILLIAMS: Illegal foreign visitor,</p> <p>14 for instance. You wouldn't have to be an asylee.</p> <p>15 Right? You could be a legal foreign visitor?</p> <p>16 MS. DAVIO: Yes, sir, a legal foreign</p> <p>17 visitor.</p> <p>18 SEN. WILLIAMS: Okay. And is there</p> <p>19 anything unique about that card?</p> <p>20 MS. DAVIO: The cards do say "temporary</p> <p>21 visitor" on them.</p> <p>22 SEN. WILLIAMS: Okay. How many driver's</p> <p>23 license holders do we have in this state?</p> <p>24 MS. DAVIO: There are a little better than</p> <p>25 15 million.</p>	<p style="text-align: right;">383</p> <p>1 SEN. WILLIAMS: So when we talk about</p> <p>2 cost, there could be a loss of revenue, but really the</p> <p>3 cost to produce that document is pretty negligible --</p> <p>4 right -- \$1.67?</p> <p>5 MS. DAVIO: Yes, sir.</p> <p>6 SEN. WILLIAMS: All right. All right.</p> <p>7 That's all the questions I have. Thank you very much.</p> <p>8 MS. DAVIO: Thank you.</p> <p>9 SEN. ELTIFE: Thank you, Senator Williams.</p> <p>10 Senator Gallegos?</p> <p>11 SEN. GALLEGOS: Thank you, Mr. Chairman.</p> <p>12 Now, you're representing the DPS. Is that what you</p> <p>13 said?</p> <p>14 MS. DAVIO: Yes, sir. I'm the assistant</p> <p>15 director --</p> <p>16 SEN. GALLEGOS: I'm sorry. I didn't -- I</p> <p>17 didn't hear your name or --</p> <p>18 MS. DAVIO: My name is Rebecca Davio --</p> <p>19 SEN. GALLEGOS: Rebecca.</p> <p>20 MS. DAVIO: -- and I'm the Assistant</p> <p>21 Director for Driver Licenses at DPS.</p> <p>22 SEN. GALLEGOS: Okay, Rebecca. And you</p> <p>23 passed out this map right here. Right?</p> <p>24 MS. DAVIO: Yes, sir.</p> <p>25 SEN. GALLEGOS: Okay. Now, I'm trying to</p>
<p style="text-align: right;">382</p> <p>1 SEN. WILLIAMS: Okay. And how many people</p> <p>2 hold ID cards?</p> <p>3 MS. DAVIO: Approximately 750,000.</p> <p>4 SEN. WILLIAMS: And just to clarify, I</p> <p>5 think I may have -- I'm not sure about the cost of an</p> <p>6 ID. Is there anything you want to add to what my</p> <p>7 remarks are? I'm not sure I was actually on the money</p> <p>8 with everything. Is what I said early, \$1.67, is the</p> <p>9 cost to produce those cards? Is that --</p> <p>10 MS. DAVIO: Yes, sir. The cost of</p> <p>11 producing and mailing, yes, sir.</p> <p>12 SEN. WILLIAMS: Okay. And then what is</p> <p>13 the cost to the state to give those IDs away?</p> <p>14 MS. DAVIO: What is the cost to the state</p> <p>15 to give those away? The loss of the revenue, the</p> <p>16 \$15.00 --</p> <p>17 SEN. WILLIAMS: Okay.</p> <p>18 MS. DAVIO: -- or the \$5 for over 65.</p> <p>19 SEN. WILLIAMS: Okay. And have you been</p> <p>20 able to determine how many people this would apply? You</p> <p>21 can't tell?</p> <p>22 MS. DAVIO: No, sir.</p> <p>23 SEN. WILLIAMS: Okay.</p> <p>24 MS. DAVIO: We don't have any way of</p> <p>25 estimating.</p>	<p style="text-align: right;">384</p> <p>1 see real close here. It's got a big green spot right in</p> <p>2 the middle of Harris County.</p> <p>3 MS. DAVIO: Yes, sir.</p> <p>4 SEN. GALLEGOS: Is that correct?</p> <p>5 MS. DAVIO: Yes, sir.</p> <p>6 SEN. GALLEGOS: But the maps I have shows</p> <p>7 nothing within the 610 Loop.</p> <p>8 MS. DAVIO: That actually -- I believe</p> <p>9 that green -- that big green circle that you commented</p> <p>10 on is -- indicates that there are seven driver license</p> <p>11 offices within Harris County.</p> <p>12 SEN. GALLEGOS: Yeah, but I'm looking at</p> <p>13 this one. It says there's nothing within the 610 Loop.</p> <p>14 Is that correct?</p> <p>15 MS. DAVIO: I'm sorry, sir. I'm not</p> <p>16 familiar with that map. That point has been made</p> <p>17 earlier and --</p> <p>18 SEN. GALLEGOS: No. I introduced this map</p> <p>19 two years ago, and I'm introducing it again today. I'm</p> <p>20 just asking if you're the assistant of DPS, you don't</p> <p>21 know that there's not a DPS office within the 610 Loop</p> <p>22 in the largest city in the state?</p> <p>23 MS. DAVIO: I can't claim to be intimately</p> <p>24 familiar with the layout of Houston. I have been to the</p> <p>25 offices.</p>

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<p style="text-align: right;">385</p> <p>1 SEN. GALLEGOS: Well, wait a minute. What</p> <p>2 was your title again?</p> <p>3 MS. DAVIO: I'm the Assistant Director for</p> <p>4 Driver Licenses at DPS.</p> <p>5 SEN. GALLEGOS: Okay. Well, then if you</p> <p>6 don't know the answer, who can give me the answer? I</p> <p>7 haven't been getting any answers today. And we are told</p> <p>8 to ask DPS. Now you're before us, and you can't answer</p> <p>9 that question for me. So who can I -- I mean, who do I</p> <p>10 ask?</p> <p>11 MS. DAVIO: I'll verify that for you, sir.</p> <p>12 SEN. GALLEGOS: Before we finish today?</p> <p>13 MS. DAVIO: Yes, sir.</p> <p>14 SEN. GALLEGOS: All right. And not only</p> <p>15 that, in Fort Worth, I only see one within the loop. In</p> <p>16 Dallas, only one inside the city. But you're still --</p> <p>17 on your map that you're introducing here, it shows a</p> <p>18 bunch of green spots. Now, I think it needs to be</p> <p>19 clarified by cities of how many are there, how many are</p> <p>20 open, how many are closed, after your 10 percent cut in</p> <p>21 the agency how many are proposed to be closed and the</p> <p>22 hours that they open up. You know, that is what I'd</p> <p>23 like to know.</p> <p>24 Now, the other question that I had is --</p> <p>25 and Senator Williams brought up a good point. The</p>	<p style="text-align: right;">387</p> <p>1 just want to make the difference between a temporary and</p> <p>2 a confiscated that I just showed you that y'all give</p> <p>3 out.</p> <p>4 MS. DAVIO: That sheet of paper is</p> <p>5 actually given by law enforcement officers at the time</p> <p>6 of stop on the street.</p> <p>7 SEN. GALLEGOS: I understand, but it has</p> <p>8 DPS verbiage on it.</p> <p>9 MS. DAVIO: Yes, sir. It's our form, but</p> <p>10 we do not issue it.</p> <p>11 SEN. GALLEGOS: Okay. Now -- and this is</p> <p>12 just one -- one avenue that we looked. That's just</p> <p>13 100,000 in one category. There's four other categories</p> <p>14 that we have not got a tally on, that confiscated --</p> <p>15 that licenses are confiscated for whatever other issue,</p> <p>16 nonpayment of child support or some other categories</p> <p>17 that you confiscate licenses. And we haven't taken the</p> <p>18 tally on those. I'm just going on this one avenue where</p> <p>19 licenses are confiscated and that person has not been</p> <p>20 convicted yet. He or she is innocent until proven</p> <p>21 guilty. But this is the only form of ID that they have,</p> <p>22 and it doesn't have a picture on it.</p> <p>23 MS. DAVIO: It would be possible for the</p> <p>24 people whose license are confiscated to apply for an ID.</p> <p>25 SEN. GALLEGOS: It doesn't say that on</p>
<p style="text-align: right;">386</p> <p>1 problem that I have on temporary license, the</p> <p>2 temporaries -- my son lost his, and he went and got a</p> <p>3 temporary license, and its got his photo ID. That's a</p> <p>4 temporary license. So what Senator Williams said is</p> <p>5 correct.</p> <p>6 My concern is on a confiscated license</p> <p>7 when the DPS picks up -- or the law enforcement agency</p> <p>8 picks up that license and replaces it with this</p> <p>9 temporary license. Well, this confiscated license.</p> <p>10 Let's not call it temporary because temporaries have a</p> <p>11 photo ID. This confiscated license does not have a</p> <p>12 photo ID, yet the verbiage on it says this will act as a</p> <p>13 valid DPS license and valid ID. That's what it says,</p> <p>14 for 40 days. Okay? And the date of it y'all gave us</p> <p>15 that we asked for, is in 2010 there's almost 100,000</p> <p>16 drivers out there with this license without a photo ID,</p> <p>17 yet the verbiage on it has that this will be a valid DPS</p> <p>18 license for 40 days. Now, is that correct? Yes or no.</p> <p>19 MS. DAVIO: Yes, those are issued --</p> <p>20 SEN. GALLEGOS: Okay.</p> <p>21 MS. DAVIO: -- by law enforcement. They</p> <p>22 are not issued through the DPS offices.</p> <p>23 SEN. GALLEGOS: So there's two different</p> <p>24 classes. I just wanted to make it clear for Senator</p> <p>25 Williams. He's pretty -- he's pretty almost correct. I</p>	<p style="text-align: right;">388</p> <p>1 here. Nowhere does it say that. I understand what you</p> <p>2 just told me.</p> <p>3 MS. DAVIO: Yes, sir.</p> <p>4 SEN. GALLEGOS: But when they stop me and</p> <p>5 take my license and give me this in return, it has</p> <p>6 nowhere that instructs me that I have an option to go</p> <p>7 get a license with a picture. It doesn't say that on</p> <p>8 here. That's why you have almost 100,000 out there with</p> <p>9 this type of license. And not only that, in just one</p> <p>10 month, last month -- well, let's see in December of</p> <p>11 2010, we have 10,000 out there driving right now with</p> <p>12 this license without a picture.</p> <p>13 So I just wanted to make that clear that</p> <p>14 this is -- that this is out there, that it's got DPS</p> <p>15 language on it. It doesn't tell us that we can -- we</p> <p>16 have an option to go get one with a picture. It doesn't</p> <p>17 say that on here. So that's why you have the high</p> <p>18 number out there driving with this license.</p> <p>19 So I just wanted to make that clear for</p> <p>20 the record that that's how many drivers that we know of.</p> <p>21 We haven't gone into the other categories. There could</p> <p>22 be more that are driving with this license, that's their</p> <p>23 only form of ID, and I just want to make it sure --</p> <p>24 Senator Fraser is not on the floor -- but that he</p> <p>25 understood that. But Senator Williams is, and I just</p>

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<p>389</p> <p>1 wanted to make sure that that is understood, the 2 difference between the two licenses, that one, the 3 temporary has a photo ID -- 4 MS. DAVIO: Yes, sir. 5 SEN. GALLEGOS: -- the confiscated does 6 not, but yet it shows here that this -- by the DPS that 7 it is a valid ID that you can use. 8 MS. DAVIO: As I understand that, sir, 9 it's valid for driving purposes. And because it's 10 provided by the law enforcement officer on the side of 11 the street, they don't have any of the equipment to take 12 a person's picture or do any of that. 13 SEN. GALLEGOS: I understand that; I 14 understand that. I just wanted to make the difference 15 in the two. And I can use this paper ID, you know, go 16 to Wal-Mart, "Where is your ID?" "Here it is right 17 here; here it is right here. The DPS gave it to me," or 18 it's got DPS language that I can use it as a valid ID. 19 I just wanted to make sure that that's clear. Is that 20 correct? 21 MS. DAVIO: Sir, I'm unable to comment on 22 whether Wal-Mart would accept that as an ID. 23 SEN. GALLEGOS: Well, it says here -- it 24 says here that this is valid per DPS language and I can 25 use as an ID.</p>	<p>391</p> <p>1 failure because we don't have any other way to replace 2 that failing equipment with new equipment. Because of 3 this need for a higher, larger data pipeline, there may 4 be some additional closures, but we're looking at where 5 our offices are located and how they are staffed through 6 our business intelligence project. And so we plan on 7 coming to all the legislators and the local judges and 8 bringing you that information about office closures and 9 what our recommendations would be to provide the optimal 10 level. 11 SEN. GALLEGOS: I'm only asking that 12 because if we're going to mandate Texans to obtain a 13 photo ID and we have to go to DPS to get that and you're 14 telling us you anticipate some more closures, I'd like 15 to know where they are at. And then that way we can 16 tell our folks that these particular locations -- that 17 you're going to get a free ID under this bill, that 18 those offices are going to be closed. 19 MS. DAVIO: Sir, we don't plan to close 20 any more offices unless the equipment breaks. Right now 21 we have no plans to close any of our driver license 22 offices, those mobile locations, unless the equipment 23 fails. 24 SEN. GALLEGOS: Unless the equipment 25 fails?</p>
<p>390</p> <p>1 MS. DAVIO: I believe it's valid for 2 driving purposes. It's a temporary driving permit, and 3 so I can't speak to whether a bank or retail 4 establishment would accept it for identification 5 purposes. 6 SEN. GALLEGOS: Okay. Well, let's just 7 say they'll take it because it's got your language on 8 it, but I just wanted to make that point out there to 9 the members that, you know, when you're talking about an 10 ID from the DPS, there are differences, and this one 11 just doesn't happen to have a photo ID on it. I just 12 want to make that clear. 13 And you will give me those answers before 14 we get through tonight? 15 MS. DAVIO: Yes, sir. I will work to do 16 that. I know I can give you the answer about the 17 offices within the 610 Loop in Houston. We have the 18 information about the hours that the offices are open, 19 and we'll look into the cuts -- the proposed cuts. 20 SEN. GALLEGOS: Let me ask you this 21 question: Do you anticipate any other closures per the 22 shortfall that we have now of any DPS office, whether in 23 Houston or anywhere in the state? 24 MS. DAVIO: Well, there may be some more 25 of the temporary closures because of the equipment</p>	<p>392</p> <p>1 MS. DAVIO: Yes, sir, in the short term. 2 SEN. GALLEGOS: So you have no plans to 3 close any other offices? 4 MS. DAVIO: In the short -- 5 SEN. GALLEGOS: Is that what you're 6 telling me? 7 MS. DAVIO: In the short-term, yes, sir. 8 We want to do the business -- 9 SEN. GALLEGOS: What do you mean 10 "short-term"? 11 MS. DAVIO: We want to -- we need to do 12 this business intelligence analysis so that we can 13 really look to determine how we can best use our 14 resources to provide the optimal level of service for 15 all Texans when they are trying to get their driver 16 license or an ID. 17 SEN. GALLEGOS: All right. And you'll get 18 me those answers before we finish today? 19 MS. DAVIO: Yes, sir. 20 SEN. GALLEGOS: Okay. Thank you. 21 MS. DAVIO: Yes, sir. 22 CHAIRMAN DUNCAN: The Chair recognizes 23 Senator Ellis. 24 SEN. ELLIS: Ms. Davio, I know you've been 25 here all day, and we're all very appreciative of that,</p>

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<p style="text-align: right;">393</p> <p>1 and we know you don't have a position on the bill.</p> <p>2 You're just here as a resource.</p> <p>3 MS. DAVIO: Yes, sir.</p> <p>4 SEN. ELLIS: Including Senator Gallegos,</p> <p>5 we appreciate you being here and the work you do.</p> <p>6 MS. DAVIO: Thank you.</p> <p>7 SEN. ELLIS: Let me ask you this: Now, I</p> <p>8 saw this article in the paper today about the driver</p> <p>9 surcharges.</p> <p>10 MS. DAVIO: Yes, sir.</p> <p>11 SEN. ELLIS: Are you familiar with that</p> <p>12 program?</p> <p>13 MS. DAVIO: Yes, sir.</p> <p>14 SEN. ELLIS: Does that come under your</p> <p>15 jurisdiction?</p> <p>16 MS. DAVIO: Yes, sir, it does.</p> <p>17 SEN. ELLIS: If I'm reading this right, it</p> <p>18 says it's estimated that a total of about 1.2 million</p> <p>19 Texans are in default?</p> <p>20 MS. DAVIO: Yes, sir. I believe that's</p> <p>21 the number.</p> <p>22 SEN. ELLIS: Okay. Now, how do we get to</p> <p>23 that? I mean, can you give us some sense -- since we</p> <p>24 passed that in '03, is it about 100,000 per year, a</p> <p>25 half? Is it getting better? Worse? I'm just trying to</p>	<p style="text-align: right;">395</p> <p>1 will be reduced.</p> <p>2 SEN. ELLIS: Is this your first amnesty</p> <p>3 program?</p> <p>4 MS. DAVIO: Yes, sir, it is.</p> <p>5 SEN. ELLIS: Now, you know -- I'm sure you</p> <p>6 know -- two other states that had a similar program for</p> <p>7 trying to balance their budgets abandoned the programs.</p> <p>8 And in those states, I'm told that they tried the</p> <p>9 amnesty programs, they tried virtually everything you</p> <p>10 could think of, and it didn't work. So they just</p> <p>11 abandoned the programs.</p> <p>12 So is there any empirical evidence that</p> <p>13 would make you think that 1.2 million people who have</p> <p>14 lost their licenses in Texas because they didn't pay on</p> <p>15 average, I guess, what -- I guess this is a thousand</p> <p>16 dollars a year if you were drunk, 2,000 if the blood</p> <p>17 alcohol level was twice the legal limit? Is there any</p> <p>18 reason why you would think the amnesty program in Texas</p> <p>19 will work when it didn't work in the other two states</p> <p>20 that abandoned the program?</p> <p>21 MS. DAVIO: We actually have had a pretty</p> <p>22 good response so far. I'm sorry. Off the top of my</p> <p>23 head, I can't give you the statistics of the people that</p> <p>24 have opted in, but I'd be happy to get that information</p> <p>25 for you.</p>
<p style="text-align: right;">394</p> <p>1 get a sense of how much -- how many more people may end</p> <p>2 up in that category between now and when Senator</p> <p>3 Fraser's bill goes into effect.</p> <p>4 MS. DAVIO: You're asking about the number</p> <p>5 of people that are in default on their surcharges?</p> <p>6 SEN. ELLIS: Yeah. About 1.2 million now,</p> <p>7 and I'm asking how much do you think that will grow</p> <p>8 between now and January of 2012, next year, a year from</p> <p>9 now?</p> <p>10 MS. DAVIO: We actually hope that the</p> <p>11 number of people in default will be reduced. There is a</p> <p>12 program going on now -- that was probably what the</p> <p>13 article in the paper was -- about the amnesty program.</p> <p>14 So what this program does is it allows people who are in</p> <p>15 default, if they've received a surcharge between 2004</p> <p>16 and 2008 and are in default on that surcharge, then they</p> <p>17 can pay 10 percent up to a maximum of \$250. And if they</p> <p>18 pay that reduced amount and their reinstatement fees and</p> <p>19 do the other things, then they will no longer be in</p> <p>20 default. That program will run -- the amnesty program</p> <p>21 will run through -- I believe it's April 17th.</p> <p>22 And then we will begin a program for</p> <p>23 indigent folks that cannot pay their surcharges. And so</p> <p>24 we will enable those people to pay their surcharges, and</p> <p>25 so we really do hope the number of people in default</p>	<p style="text-align: right;">396</p> <p>1 SEN. ELLIS: Now, I think I heard you say</p> <p>2 in response to a question from Senator Williams</p> <p>3 15 million Texans have a driver's license.</p> <p>4 MS. DAVIO: Yeah.</p> <p>5 SEN. ELLIS: Or did you mean authorized to</p> <p>6 have one? Are you counting the 1.2 million who have</p> <p>7 lost them?</p> <p>8 MS. DAVIO: I believe that's active driver</p> <p>9 licenses.</p> <p>10 SEN. ELLIS: Okay. So 15 million have</p> <p>11 active driver's licenses. And just as a point of</p> <p>12 reference to Senator Williams, there are 12.6 million</p> <p>13 registered voters in Texas. So he was correct earlier</p> <p>14 when he made the point that --</p> <p>15 SEN. WILLIAMS: (No mic)</p> <p>16 SEN. ELLIS: Yeah, that's right. Probably</p> <p>17 about 30 percent of them vote. Of course, maybe half of</p> <p>18 them vote wrong; maybe half of those vote wrong, but</p> <p>19 about 30 percent of them vote, Senator.</p> <p>20 But I just wanted to make the point 15</p> <p>21 million people have driver's license in Texas, 12.6</p> <p>22 million registered voters. Most people who go to vote</p> <p>23 do what most of us on this floor do, they show their</p> <p>24 driver's license. And if the trend of 1.2 million who</p> <p>25 have drivers -- who had driver's licenses haven't lost</p>

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<p style="text-align: right;">397</p> <p>1 them since 2003 continues, if your amnesty program does 2 not work, if it's not something unique about the Lone 3 Star State that would make it work here when it didn't 4 work in those other states, that means that 15 million 5 figure is going to be going down in terms of the people 6 who have a driver's license. Correct?</p> <p>7 MS. DAVIO: Yes, sir.</p> <p>8 SEN. ELLIS: Okay. Now --</p> <p>9 MS. DAVIO: Those people --</p> <p>10 SEN. ELLIS: Those people who owe those 11 surcharges, is that a felony, or what is it?</p> <p>12 MS. DAVIO: I don't believe it's a felony.</p> <p>13 SEN. ELLIS: It's a civil offense?</p> <p>14 MS. DAVIO: I mean, it depends upon 15 what -- there's five different things that you can 16 receive a surcharge for.</p> <p>17 SEN. ELLIS: How about drunk?</p> <p>18 MS. DAVIO: Yes, sir. Driving while 19 intoxicated is one of them.</p> <p>20 SEN. ELLIS: Wouldn't that be a felony 21 when they get a surcharge? It's a civil fine. I'm 22 really making a point to my colleagues.</p> <p>23 And can -- what can you-all do to those 24 folks short of taking a driver's license? You know, can 25 we -- maybe the finance chair can start building some</p>	<p style="text-align: right;">399</p> <p>1 and have the opportunity to meet Senator Gallegos?</p> <p>2 (Laughter)</p> <p>3 MS. DAVIO: The pleasure is all mine.</p> <p>4 (Laughter)</p> <p>5 SEN. WHITMIRE: No; we appreciate you as 6 we do our other state employees.</p> <p>7 MS. DAVIO: Thank you.</p> <p>8 SEN. WHITMIRE: A couple of things I want 9 to clarify, Senator Ellis was talking about the folks 10 who have had their license suspended because of the 11 severance. I don't believe he asked if you have no 12 license but we're going to require you to go get an ID 13 at a DPS office, what is the relationship if I come into 14 the office, I don't have a license because it's been 15 suspended because I can't pay the severance, it's a 16 civil penalty. Is there any chance that you're arrested 17 because you haven't paid your back severance? I mean, 18 first I think whether you confiscate the person or 19 handcuff them, it would probably be a huge deterrent for 20 someone to go there knowing they owe you thousands of 21 dollars. Would you not agree?</p> <p>22 MS. DAVIO: Yes, sir.</p> <p>23 SEN. WHITMIRE: Okay. But going one step 24 further, if someone chose to do that what -- and they 25 apply for a voter ID and the computer is going to kick</p>
<p style="text-align: right;">398</p> <p>1 more debtor prisons. Can you put them in prison, or do 2 you know? If you don't know, it's okay.</p> <p>3 MS. DAVIO: I don't know, sir.</p> <p>4 SEN. ELLIS: Okay. I just want to raise 5 that point so my colleagues do realize what we're doing, 6 Senator Fraser, under your bill. 15 million people have 7 a driver's license. 1.2 million have lost them. I 8 don't think we're going to start building debtor 9 prisons. I don't think we're going to get to the point 10 where three times you're drunk and get a surcharge we 11 lock you up. We can't afford to do it, but it's making 12 it more and more challenging, and it is a burden that 13 we're putting on these folks. Thank you.</p> <p>14 SEN. WHITMIRE: Mr. President?</p> <p>15 CHAIRMAN DUNCAN: The Chair recognizes 16 Senator Whitmire.</p> <p>17 SEN. WHITMIRE: Briefly. First of all, 18 how long -- how long have you been in your present job? 19 Pretty recent?</p> <p>20 MS. DAVIO: Yes, sir. I just started 21 June 1st of 2010.</p> <p>22 SEN. WHITMIRE: So about six months?</p> <p>23 MS. DAVIO: Yes, sir.</p> <p>24 SEN. WHITMIRE: Did you ever envision when 25 they gave you the job you were going to be here today</p>	<p style="text-align: right;">400</p> <p>1 out "you owe us" -- and some of these figures are 2 fantastic amounts, thousands of dollars -- what will be 3 the conduct of the DPS? I walk up to your station for 4 voter ID and you say Mr. Whitmire you owe us \$20,000 in 5 back severance, is that going to be brought up and 6 you're going to be asked to not leave until you have a 7 payment plan?</p> <p>8 MS. DAVIO: No, sir. Those are really 9 handled as separate transactions. If you come in and 10 you say you want to get an ID and you don't already have 11 an ID, then they will determine if you are eligible, and 12 you should be eligible. And they do have the 13 information in the driver license system about the 14 surcharges. But if you aren't asking to get a driver 15 license then that won't be brought up.</p> <p>16 SEN. WHITMIRE: Okay. It's your 17 testimony -- y'all have actually discussed this 18 internally. It's going to be the policy, as you state 19 before us today, I come in there, I owe you a surcharge, 20 but I don't want to deal with the surcharge today, they 21 are not going to bring it up or ask me for my intention 22 of paying it, don't leave until you make a payment plan?</p> <p>23 MS. DAVIO: No, sir. I haven't witnessed 24 that. I have visited the --</p> <p>25 SEN. WHITMIRE: Well, you haven't</p>

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<p style="text-align: right;">401</p> <p>1 witnessed it -- excuse me for interrupting because this 2 is all in the planning stage. So I know you haven't 3 seen it because no one has been in there asking for a 4 voter ID.</p> <p>5 MS. DAVIO: No, sir, they haven't asked.</p> <p>6 SEN. WHITMIRE: Would it be -- and can 7 you -- has it really been decided or is that just your 8 opinion or you've got to go upstairs to the colonel or 9 the DPS board? I mean, this is a pretty serious matter 10 in my mind because you have no license because you can't 11 afford to pay the surcharge, but we're fixing -- if this 12 law will pass -- require you to go to that location, law 13 enforcement, a pretty intimidating setup anyway to some. 14 You know, they've already run afoul, but they've got to 15 go to that site for a voter ID. Are you telling me 16 there won't be any discussion of the surcharge, or is it 17 really you don't know?</p> <p>18 MS. DAVIO: You're right. We haven't 19 discussed voter ID, but I have witnessed numerous 20 transactions where somebody comes in and they request to 21 get an ID. And, you know, they may -- they may make an 22 inquiry about can I -- you know, what about a driver 23 license or something like that, and actually the records 24 come up and show that they are ineligible to get a 25 driver license. But if there --</p>	<p style="text-align: right;">403</p> <p>1 program. But that -- do you know the amount that's 2 working pretty good? What does "pretty good" to you 3 mean out of a million folks?</p> <p>4 MS. DAVIO: I'm sorry. I will work to get 5 you those information.</p> <p>6 SEN. WHITMIRE: Yeah, and I'm not trying 7 to pin you down. It's just, you know, you're the best 8 source we've got at the time.</p> <p>9 Let me ask you something. You said a 10 while ago if someone confiscated your license, you could 11 apply for an ID. What if they confiscate it the week 12 before the election? What's the processing time to 13 apply for this ID? Say you're unfortunate, you come to 14 Austin before a Saturday election. On Thursday, if 15 you're real unfortunate, they get your license because 16 you have been pulled over. How are you going to get 17 that before Saturday's election? Do you know the 18 turnaround?</p> <p>19 MS. DAVIO: You can come into our office, 20 and we -- as long as you qualify, we issue a temporary 21 receipt immediately.</p> <p>22 SEN. WHITMIRE: Come in your office, what 23 do you mean by that?</p> <p>24 MS. DAVIO: You can go to any driver 25 license office.</p>
<p style="text-align: right;">402</p> <p>1 SEN. WHITMIRE: Because of the surcharge? 2 Because of the surcharge?</p> <p>3 MS. DAVIO: Yes, sir. And so then they 4 can still continue to get an ID, and I haven't witnessed 5 any occasion where there was discussion of the 6 surcharges unless the customer brought that up.</p> <p>7 SEN. WHITMIRE: Well, if this passes, and 8 of course none of us are going anywhere, but -- and I 9 understand you're just representing the DPS, but I would 10 think that would be a major policy decision, that you 11 deal with something as important and precious as the 12 right to vote, but we're fixing to require you to come 13 in contact with law enforcement that you owe thousands 14 of dollars with the same personnel. I think someone is 15 going to have to really put some safeguards, Senator 16 Williams, that you can enter one of these sites and not 17 have to deal with the surcharge.</p> <p>18 And would you not agree, even though you 19 have an amnesty program and you said it's working pretty 20 good -- in fact, pretty expensive, it's 250 and I think 21 there's a fee schedule. You've still got to pay a fee 22 to the folks that are doing y'all's collection work. So 23 what is the actual cost, 250? I think 150 to the 24 collection agency, and then it's going to run about five 25 or \$600 if you want to -- if you want to use the amnesty</p>	<p style="text-align: right;">404</p> <p>1 SEN. WHITMIRE: Any office?</p> <p>2 MS. DAVIO: Yes, sir. And as long as you 3 qualify, then you can walk out with a temporary receipt.</p> <p>4 SEN. WHITMIRE: Of course under my 5 scenario, you've first got to get out of jail, but 6 that's not mine or your problems tonight.</p> <p>7 Let's talk about that office, and then 8 I'll pass. The truth of the matter is, is it not, as 9 you stand before us today, you have no idea what the 10 future budget considerations are going to do to your 11 office locations, do you not? When you were having a 12 question and answer with Senator Williams, that's under 13 today's setup, is it not?</p> <p>14 MS. DAVIO: Yes, sir.</p> <p>15 SEN. WHITMIRE: Have you been in meetings 16 recently at the command headquarters where you're 17 contemplating a significant, maybe as much as a 18 10 percent cut in your budget? Have y'all made your 19 plans for how to deal with the shortfall and expected 20 reduction of DPS funding?</p> <p>21 MS. DAVIO: Yes, sir. The 5 percent cut.</p> <p>22 SEN. WHITMIRE: That you've already been 23 requested to make.</p> <p>24 MS. DAVIO: Yes, sir. I believe that that 25 did envision the closing of some -- I believe --</p>

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<p style="text-align: right;">405</p> <p>1 SEN. WHITMIRE: Have you looked at the</p> <p>2 House proposed budget and the Senate proposed --</p> <p>3 MS. DAVIO: I have not.</p> <p>4 SEN. WHITMIRE: -- and calculated the</p> <p>5 impact and reduction of services and maybe troopers and</p> <p>6 personnel as it relates to the licensing division?</p> <p>7 MS. DAVIO: I'm sorry, sir. I have not.</p> <p>8 SEN. WHITMIRE: So the truth of the matter</p> <p>9 is when you were answering Senator Williams' question,</p> <p>10 that's under current funding levels, is it not, as you</p> <p>11 understand them? Since you took the job in June and</p> <p>12 here we are the second week of January, that's really</p> <p>13 the funding and the resources that you were using to</p> <p>14 answer his questions. It certainly wasn't going</p> <p>15 forward. Is that not correct?</p> <p>16 MS. DAVIO: That's correct, sir.</p> <p>17 SEN. WHITMIRE: You do expect significant</p> <p>18 reductions in your operating resources, do you not?</p> <p>19 MS. DAVIO: I would remain optimistic.</p> <p>20 SEN. WHITMIRE: Do you see that guy</p> <p>21 sitting right in front of you right there? We don't</p> <p>22 call him Mr. -- we don't call him Mr. Optimistic around</p> <p>23 here.</p> <p>24 (Laughter)</p> <p>25 SEN. WHITMIRE: The truth of the matter</p>	<p style="text-align: right;">407</p> <p>1 driver's license on many days of the week.</p> <p>2 MS. DAVIO: Yes, sir, I think that's true.</p> <p>3 That is the way it's happened in the past. We are</p> <p>4 implementing a queuing system which we hope will bring</p> <p>5 about reductions in wait times at our 50 largest</p> <p>6 offices.</p> <p>7 SEN. WHITMIRE: But today, this week, it's</p> <p>8 not unusual -- and I've checked -- it can still take you</p> <p>9 up to three hours. In fact, if we accomplish anything</p> <p>10 in this discussion with you, I would like to appeal to</p> <p>11 you to work with your supervisors and Senator Ogden and</p> <p>12 each of the 31 Senators and fix that problem. That's a</p> <p>13 very fixable problem that we've been talking about too</p> <p>14 long.</p> <p>15 But you know it takes up to three hours.</p> <p>16 People cannot take off their lunch hour or expect to go</p> <p>17 over there before work or after work. It is a major</p> <p>18 challenge to enter one of those offices today and get</p> <p>19 your license renewed. But have you had an opportunity</p> <p>20 to factor in what it's going to be like to get</p> <p>21 additional people now for voter ID? You really don't</p> <p>22 know what the demands or the numbers will be --</p> <p>23 MS. DAVIO: That's correct.</p> <p>24 SEN. WHITMIRE: -- as we talk?</p> <p>25 MS. DAVIO: We were unable to estimate the</p>
<p style="text-align: right;">406</p> <p>1 is -- and I really understand this position you're in.</p> <p>2 And, quite frankly, I'm not even sure it's fair that</p> <p>3 they brought you here to answer our questions, but</p> <p>4 you're here, and they had the right to do so. But we</p> <p>5 haven't even written the budget. Our first meeting is</p> <p>6 next Monday, and the operation of these offices and</p> <p>7 their hours, their personnel, is yet to be determined as</p> <p>8 we go and consider this legislation. Is that not</p> <p>9 correct?</p> <p>10 MS. DAVIO: Yes, sir, I think that --</p> <p>11 SEN. WHITMIRE: You have no idea what</p> <p>12 you're going to have after September 1.</p> <p>13 MS. DAVIO: I think that's a fair</p> <p>14 statement, sir.</p> <p>15 SEN. WHITMIRE: But we do know that in</p> <p>16 Houston -- and Senator Gallegos was asking you about the</p> <p>17 locations -- that's an important factor, but I'm really</p> <p>18 more important -- or concerned about when you get to one</p> <p>19 of our locations. Are you familiar with 290 and Tacoma?</p> <p>20 MS. DAVIO: Yes, sir.</p> <p>21 SEN. WHITMIRE: Gessner and I-10?</p> <p>22 MS. DAVIO: Yes, sir.</p> <p>23 SEN. WHITMIRE: South Houston? Nearly</p> <p>24 each of our Harris County sites, you know it takes from</p> <p>25 two to three hours to enter that office and renew your</p>	<p style="text-align: right;">408</p> <p>1 impact.</p> <p>2 SEN. WHITMIRE: And then I'll repeat one</p> <p>3 more time. That's today's circumstances, and we're</p> <p>4 faced with budget cuts to the DPS going forward that</p> <p>5 could even compound the current wait at those Houston</p> <p>6 offices. And I was even told by a colleague of mine</p> <p>7 that it can happen in other even rural settings in this</p> <p>8 state, that you would literally wait two and three hours</p> <p>9 to renew your driver's license. Is that not correct?</p> <p>10 MS. DAVIO: It is possible that you can</p> <p>11 have a two- or three-hour wait in many of our offices at</p> <p>12 this moment.</p> <p>13 SEN. WHITMIRE: Have y'all had much</p> <p>14 internal discussion about the impact that this proposed</p> <p>15 legislation will have in detail in terms of personnel</p> <p>16 required, equipment required? I mean, have y'all had</p> <p>17 any initial planning?</p> <p>18 MS. DAVIO: We have had discussions, yes,</p> <p>19 sir. It's very, very difficult, we found it impossible,</p> <p>20 to estimate the impact of this legislation.</p> <p>21 SEN. WHITMIRE: I really appreciate you</p> <p>22 being here tonight and your hard work. And if I was</p> <p>23 you, I would say -- I'd speak to Senator Ogden before</p> <p>24 you leave here tonight and make a pitch for your budget.</p> <p>25 MS. DAVIO: Okay. Thank you.</p>

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<p style="text-align: right;">409</p> <p>1 CHAIRMAN DUNCAN: The Chair recognizes</p> <p>2 Senator Van de Putte.</p> <p>3 SEN. VAN de PUTTE: Thank you,</p> <p>4 Mr. Chairman. Good evening. Thank you for being here.</p> <p>5 My questions are fairly quick. But I want to follow up</p> <p>6 with the fiscal impact, and you stated there were how</p> <p>7 many counties that don't have offices right now?</p> <p>8 MS. DAVIO: There are currently 77</p> <p>9 counties without a functioning --</p> <p>10 SEN. VAN de PUTTE: Seventy-seven.</p> <p>11 MS. DAVIO: Yes, sir -- yes, ma'am.</p> <p>12 SEN. VAN de PUTTE: Mr. Chairman, could we</p> <p>13 have the resource witness look at exhibit -- or Item No.</p> <p>14 6, which was the map that was displayed, compiled by the</p> <p>15 legislative counsel? The map that this expert witness</p> <p>16 brought shows us dots. And if you could just glance at</p> <p>17 that, that was prepared by legislative counsel. As you</p> <p>18 can see, the counties are outlined with closed,</p> <p>19 temporarily closed, permanently closed, those counties</p> <p>20 that may have one, but they are there -- would you</p> <p>21 suggest that since that was compiled by legislative</p> <p>22 counsel that that document is correct?</p> <p>23 MS. DAVIO: Senator, this is the first</p> <p>24 time I've seen this map. Just doing a very quick visual</p> <p>25 check on the counties that they have in red that say</p>	<p style="text-align: right;">411</p> <p>1 completed our business intelligence analysis.</p> <p>2 SEN. VAN de PUTTE: Well, let me tell you</p> <p>3 why I'm a little concerned.</p> <p>4 MS. DAVIO: Okay.</p> <p>5 SEN. VAN de PUTTE: On Page 704 of the</p> <p>6 legislation appropriations request, DPS says, "No. 10,</p> <p>7 building program and deferred maintenance." The</p> <p>8 category is under "Program Service Reduction (Other).</p> <p>9 Item Comment: 11 additional DPS offices would be closed</p> <p>10 due to lack of funding for utilities." So it's</p> <p>11 utilities funding, not -- "resulting in 215 FTEs that</p> <p>12 would be displaced and DPS customers would travel</p> <p>13 further for any assistance."</p> <p>14 Now, this is in a document that was given</p> <p>15 to the legislature dated August 23, 2010. You said you</p> <p>16 don't have to plan any more, but somewhere in the agency</p> <p>17 under this request, they are closing another -- I'm</p> <p>18 sorry -- they are closing another 11. Do you know where</p> <p>19 those other 11 are that they plan to close?</p> <p>20 MS. DAVIO: I do not have personal</p> <p>21 knowledge of that. I believe this was for 2012 and</p> <p>22 the 2013 --</p> <p>23 SEN. VAN de PUTTE: Well, yeah, but --</p> <p>24 MS. DAVIO: -- legislative appropriation</p> <p>25 request.</p>
<p style="text-align: right;">410</p> <p>1 that there are no offices, I can verify that. I haven't</p> <p>2 gone through and done all the others to give you a</p> <p>3 completely accurate response. If you could give me a</p> <p>4 little bit more time, I'd be happy -- I'd be happy to do</p> <p>5 that.</p> <p>6 SEN. VAN de PUTTE: We will certainly</p> <p>7 allow you to do that because we have another resource</p> <p>8 witness.</p> <p>9 MS. DAVIO: Okay.</p> <p>10 SEN. VAN de PUTTE: Let me ask you, we</p> <p>11 have 77 where they are closed, they have no one. We</p> <p>12 have temporary ones because of equipment malfunction.</p> <p>13 But are you aware of the document that is the</p> <p>14 legislative appropriations request that was sent on</p> <p>15 August 23, 2010 and printed to us in 2010?</p> <p>16 MS. DAVIO: I did not see that document</p> <p>17 personally.</p> <p>18 SEN. VAN de PUTTE: Well, let me tell you</p> <p>19 why I'm a little bit concerned because when Senator</p> <p>20 Williams talked to you, you said you had -- the division</p> <p>21 had no plans or no intention of closing any more unless</p> <p>22 there was equipment failure, and you talked a little bit</p> <p>23 about equipment failure. That's correct. Right?</p> <p>24 MS. DAVIO: Yes, ma'am. No more offices</p> <p>25 unless there were equipment failure until we had</p>	<p style="text-align: right;">412</p> <p>1 SEN. VAN de PUTTE: This is the</p> <p>2 legislative appropriations. So right now what you're</p> <p>3 saying is nothing is going to be closed. But in the</p> <p>4 document that DPS supplied to us as their legislative</p> <p>5 appropriations request, on Page 704, they tell us, "Oh,</p> <p>6 we're closing 11 more." And it's not due to equipment</p> <p>7 failure. It's due to the reduction in utilities funding</p> <p>8 as a result of our crisis in our revenue and with the</p> <p>9 displacement of 215 FTEs where DPS says, "Customers will</p> <p>10 travel further for assistance."</p> <p>11 So I'm trying to figure out -- you say,</p> <p>12 "Okay. We're not going to," but then we have a</p> <p>13 document. I just don't know what part of DPS to</p> <p>14 believe.</p> <p>15 MS. DAVIO: I'm terribly sorry. I was</p> <p>16 imprecise. I should have said this fiscal year we had</p> <p>17 no more plans to close any offices.</p> <p>18 SEN. VAN de PUTTE: This fiscal year. Oh.</p> <p>19 We just didn't ask the right question then.</p> <p>20 MS. DAVIO: I'm sorry.</p> <p>21 SEN. VAN de PUTTE: We should have</p> <p>22 asked --</p> <p>23 MS. DAVIO: I don't claim to be --</p> <p>24 SEN. VAN de PUTTE: -- do you plan to</p> <p>25 close any maybe after September 1st of next year?</p>

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<p style="text-align: right;">413</p> <p>1 MS. DAVIO: I'm sorry. I don't claim to 2 be an expert on our legislative appropriation request. 3 I'm not our chief financial officer. 4 SEN. VAN de PUTTE: Thank you for that 5 clarification. 6 MS. DAVIO: I'm sorry. 7 SEN. VAN de PUTTE: And I'm sorry you were 8 caught like this. But, you know, you can understand our 9 confusion when you testify as the expert witness for DPS 10 one thing, and then the budget documents that are turned 11 into us say another. And I am so sorry that you were 12 put in this predicament, but the documents are the 13 documents. So let me, again, ask some other questions 14 since I think that one is pretty well taken care of. 15 Can you tell me in obtaining an 16 identification card what types of birth certificates are 17 allowed under current DPS guidelines? 18 MS. DAVIO: What types of birth 19 certificates? 20 SEN. VAN de PUTTE: Yes. 21 MS. DAVIO: An original or a certified 22 copy of a birth certificate issued by the appropriate 23 state Bureau of Vital Statistics or the equivalent 24 agency from a U.S. state, U.S. territory, the District 25 of Columbia or a Canadian province, or an original or</p>	<p style="text-align: right;">415</p> <p>1 our current regulations is that the type of birth 2 certificate that is required for those of us who happen 3 to be born prior to 1960, which would be anybody, '40s, 4 '50s, '30s and on, we would not have a birth certificate 5 that would be recognized by DPS if you were born on a 6 military -- in a military hospital. Is that correct? 7 MS. DAVIO: I can't be absolutely positive 8 of that. I'll confirm, and we will look. 9 SEN. VAN de PUTTE: If you could, because 10 I think -- 11 MS. DAVIO: Yes, ma'am. 12 SEN. VAN de PUTTE: And I don't know how 13 many would be, but if -- for those that were born when 14 there was a mandatory draft and there was a mandatory 15 thing, if you were born in a military hospital, those 16 are Department of Defense hospitals, not Department of 17 State. Some states have included them as they start to 18 update and others haven't because a lot of those 19 military hospitals are now closed as those bases have 20 been closed. So I just wanted to make sure. And if you 21 would check that for us? 22 MS. DAVIO: Yes, ma'am. 23 SEN. VAN de PUTTE: And then if it's a 24 birth certificate, what happens if for many of our 25 elderly who were born not in a hospital and not -- but</p>
<p style="text-align: right;">414</p> <p>1 certified copy of a United States Department of State 2 certification of birth abroad. 3 SEN. VAN de PUTTE: Are any of those 4 documents a Department of Defense hospital or facility? 5 MS. DAVIO: I don't know for certain if 6 the Department of Defense would be included in a 7 Department of State certification of birth abroad. 8 SEN. VAN de PUTTE: No, there are two 9 different ones. And this is why I'm asking. Members, 10 this is very, very clear. We have many, many citizens 11 and your constituents who were born on military basis 12 within the United States. And if I right now had to go 13 get an identification card, I don't have -- I wouldn't 14 have a birth certificate. And the reason, I was born in 15 Madigan Hospital, Fort Lewis, Tacoma, Washington. But 16 if you were born before 1960, the records are slowly 17 being updated into the state of Washington as are many 18 of our military hospitals. But my birth certificate is 19 not from the Department of State. It is not from the 20 city. The only birth certificate that I have is from a 21 military hospital on a military installation. 22 Now, it was valid for me to get my 23 passport, and it was valid for me to get my driver's 24 license when I got my driver's license. But should I 25 have to apply today and what I think might happen under</p>	<p style="text-align: right;">416</p> <p>1 they used baptismal or church records to establish their 2 social security, to establish anything? Right now if 3 there is not a recorded birth certificate in one of the 4 state registries, is a church document that was allowed 5 back then for a driver's license, is that allowed -- 6 MS. DAVIO: There are -- 7 SEN. VAN de PUTTE: -- currently to get -- 8 MS. DAVIO: There are a variety of 9 documents, and we're expanding the list, but we try and 10 work with our customers to -- if you can bring in a 11 variety and demonstrate to us to our satisfaction. 12 SEN. VAN de PUTTE: Yes, I understand. 13 What types of birth certificates? Is it only those 14 that -- 15 MS. DAVIO: Typically we would not allow a 16 church or a baptismal birth certificate. 17 SEN. VAN de PUTTE: So that would affect 18 people like my mother. 19 MS. DAVIO: She may be able to find other 20 documentation that she can bring. 21 SEN. VAN de PUTTE: She might be. 22 Let me also ask you for one other thing. 23 I have a wonderful constituent and she asked that I 24 relate her story and has given me permission. She 25 contacted us last June in that -- Ms. Hardy who needed</p>

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1 to have a DPS identification card. However, she's very,	1 to qualify? So if you're like undergoing chemotherapy,
2 very ill and could not travel to the DPS office. I put	2 can't leave the house or an organ transplant, you have
3 in a request to DPS to ask what sort of options she had	3 certain categories to qualify? So even if you're a
4 since she needed an ID but could not travel.	4 person with disabilities, you have to have a person of
5 MS. DAVIO: Yes, ma'am.	5 disabilities with certain qualifications to get the home
6 SEN. VAN de PUTTE: That was on June the	6 bound program?
7 18th, and we were very pleased at least that a week	7 MS. DAVIO: I'm sorry. I can't discuss
8 later someone was able to call her and give her some	8 the detailed reasons why someone would qualify and
9 options.	9 someone wouldn't, but I will certainly check into that
10 Well, the options included that she had to	10 for you.
11 physically go. And so luckily she was able to go, but	11 SEN. VAN de PUTTE: Well, thank you. And
12 not until months later, but it entailed bus trips, a	12 I am -- I apologize for my mean tone, but understand how
13 nurse going with her, on public transit, going to the	13 frustrating it is --
14 offices.	14 MS. DAVIO: I understand.
15 And so my question is, what sort of -- and	15 SEN. VAN de PUTTE: -- when people call
16 it took her months, months to get this. Are there any	16 our offices, they are trying to do the right thing.
17 accommodations currently for those with disabilities if	17 They are trying to get an ID card, they have situations,
18 they are unable to physically go to a DMV station to	18 and then the people who are employed and hired from
19 acquire identification documents?	19 state government to provide the information who are head
20 MS. DAVIO: We do have a home bound	20 of the departments of this don't know of their own
21 program where we send an employee out to take their	21 programs. It's really disheartening.
22 picture and gather their information.	22 And then if you would, please find out
23 SEN. VAN de PUTTE: Do you know how robust	23 from someone on the fiscal side so that we don't have
24 that program is? Is there one in -- and why weren't we	24 two opposing statements from DPS of the additional 11
25 told about it when we called last summer?	25 offices that are scheduled to be closed, not this fiscal
418	420
1 MS. DAVIO: I can't tell you why you	1 year, but probably starting in 2012 and 2013. And then
2 weren't told about it. I apologize for that. I	2 if you would, please get back with us with the
3 don't -- I don't know how many of those IDs we issue. I	3 information of what types of birth certificates would be
4 could check into that if you'd like me to.	4 eligible to be used for someone seeking to obtain a
5 SEN. VAN de PUTTE: Well, I'm a little bit	5 personal identification card.
6 worried because we had several employees of DPS call,	6 Thank you very much, Mr. Chairman. I
7 including the Chief of the Complaint Resolution	7 don't have any other questions.
8 Specialty Department, assisting with inquiries of	8 CHAIRMAN DUNCAN: The Chair recognizes
9 identification cards, who said the only option for my	9 Senator Zaffirini.
10 constituent was physical presence.	10 SEN. ZAFFIRINI: Thank you, Mr. Chairman.
11 MS. DAVIO: There may --	11 Ms. Davio, your title is Assistant
12 SEN. VAN de PUTTE: So within DPS if	12 Director for Driver Licenses, Department of Public
13 there's a program, certainly didn't tell a Senator's	13 Safety. Is that correct?
14 office and certainly didn't tell the client. And if	14 MS. DAVIO: Yes, ma'am.
15 this is -- I mean, what happened here? We didn't know	15 SEN. ZAFFIRINI: And were you expected to
16 about a program. Are there plans to make that known in	16 testify on all aspects of the bill or only what refers
17 light of -- or publicize it in any way in light of the	17 to driver's licenses specifically?
18 new additional restrictions?	18 MS. DAVIO: Only what refers to a driver
19 MS. DAVIO: I apologize that you weren't	19 license specifically, as I understand it, in DPS.
20 told about it. There may have been particular	20 SEN. ZAFFIRINI: When Senator Fraser laid
21 circumstances that your constituent didn't qualify for	21 out the bill, I asked a number of questions about the
22 that, but we can certainly make sure that all of our	22 criminal justice impact statement. Is there someone
23 employees know about that and are informed so that there	23 available from DPS who can answer my questions related
24 won't be such an oversight in the future.	24 to the criminal justice impact statement?
25 SEN. VAN de PUTTE: So you mean you have	25 MS. DAVIO: I don't believe that there's a

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<p style="text-align: right;">421</p> <p>1 resource witness here that can answer that currently.</p> <p>2 SEN. ZAFFIRINI: And you cannot?</p> <p>3 MS. DAVIO: I'm sorry. I can't.</p> <p>4 SEN. ZAFFIRINI: That's all right. I</p> <p>5 assumed that you could not based on your title. But I</p> <p>6 would like to have someone answer my questions, if not</p> <p>7 today, maybe tomorrow.</p> <p>8 And just to put a face on the issues that</p> <p>9 we have been discussing today, I happened to receive a</p> <p>10 letter from the County Judge of Frio County recently,</p> <p>11 and he explained to me that the office -- the DPS</p> <p>12 driver's license office in Frio County has been closed.</p> <p>13 And he wrote in his letter, "Signage on the door directs</p> <p>14 drivers needing their services to go to San Antonio,</p> <p>15 Hondo or Jourdananton."</p> <p>16 Now, San Antonio is 55 miles from</p> <p>17 Pearsall, Hondo is 42, and Jourdananton is 41. That's an</p> <p>18 average of 46 miles. You said earlier that 77 counties</p> <p>19 do not have driver's license offices.</p> <p>20 MS. DAVIO: Currently, yes, ma'am.</p> <p>21 SEN. ZAFFIRINI: Do you know how far those</p> <p>22 residents of those counties have to drive to get a</p> <p>23 driver's license?</p> <p>24 MS. DAVIO: I do not have the average for</p> <p>25 every single location. That would probably be pretty</p>	<p style="text-align: right;">423</p> <p>1 district that have been closed or temporarily closed --</p> <p>2 in fact, I mentioned earlier that in my district there</p> <p>3 are -- there is one office that has wheelchair</p> <p>4 accessible barriers, there are two counties that have no</p> <p>5 offices, four counties in which the offices have been</p> <p>6 temporarily closed and one that is open three days or</p> <p>7 fewer per week.</p> <p>8 Now, in the counties in my district, there</p> <p>9 is a digital divide. So it's easy to say "renew</p> <p>10 online," but when you're dealing with counties where</p> <p>11 there is a predominantly low income, minority population</p> <p>12 and there is a digital divide, imagine the impact. Do</p> <p>13 you have any data relating to addressing those issues</p> <p>14 and how to increase the accessibility of the residents</p> <p>15 of those counties to your particular services?</p> <p>16 MS. DAVIO: One of the elements of the</p> <p>17 business intelligence analysis project that we're doing</p> <p>18 is actually to try and get information to understand</p> <p>19 where people have connectivity and aren't using that.</p> <p>20 Maybe they don't know that they can renew online and</p> <p>21 being able to encourage people to do that there, but</p> <p>22 that would also give us information about where people</p> <p>23 don't have accessibility.</p> <p>24 SEN. ZAFFIRINI: Thank you. Judge Garcia</p> <p>25 writes, "This has caused quite a bit of inconvenience</p>
<p style="text-align: right;">422</p> <p>1 difficult to calculate, but, you know, that is something</p> <p>2 that we're looking at.</p> <p>3 SEN. ZAFFIRINI: Well, certainly because</p> <p>4 if that's the average distance, double that for a round</p> <p>5 trip.</p> <p>6 MS. DAVIO: Yes, ma'am.</p> <p>7 SEN. ZAFFIRINI: That's a lot of mileage,</p> <p>8 especially for low-income persons, for persons with</p> <p>9 disabilities who have to get a ride, because that's a</p> <p>10 one-way distance that I just mentioned to you.</p> <p>11 MS. DAVIO: Yes, ma'am. Driver licenses</p> <p>12 do have to be renewed every six years, once every six</p> <p>13 years. And if the option to renew online would be used,</p> <p>14 then they'd actually only have to go to the office once</p> <p>15 every 12 years.</p> <p>16 SEN. ZAFFIRINI: Do you have mobile units</p> <p>17 that can go to these counties?</p> <p>18 MS. DAVIO: We do not presently have</p> <p>19 mobile units. As I mentioned before, the amount of data</p> <p>20 that we're collecting with your photo, your</p> <p>21 fingerprints, your -- all the scans of your documents,</p> <p>22 we have not been able to get that to work with an air</p> <p>23 card or a DSL line, and we tried for several months.</p> <p>24 SEN. ZAFFIRINI: Now, I can't speak for</p> <p>25 the 77 counties, but I know that for the ones in my</p>	<p style="text-align: right;">424</p> <p>1 and consternation for our drivers and potential drivers</p> <p>2 in this county when they need driver's license renewals,</p> <p>3 driver's licenses," et cetera, and you can imagine the</p> <p>4 consternation and the inconvenience that they are</p> <p>5 suffering.</p> <p>6 There's been some reference to how long</p> <p>7 persons have had to wait to get their driver's license,</p> <p>8 and I know that before we got our driver's license in</p> <p>9 Laredo, the big joke -- and it wasn't really a joke. It</p> <p>10 was a cruelty joke because it was so true -- is that</p> <p>11 persons who were waiting for their driver's licenses</p> <p>12 could stand in line, order pizza, receive it and eat it</p> <p>13 and still be waiting for their driver's license.</p> <p>14 Now, there has been some improvement in</p> <p>15 that, but I wonder what kind of inconvenience we're</p> <p>16 talking about when we're talking about these long, long</p> <p>17 lines in the different counties. And if that isn't bad</p> <p>18 enough, dealing with the issues related to the counties</p> <p>19 that don't have any offices.</p> <p>20 And you, I understand from your exchange</p> <p>21 with Senator Van de Putte, do expect more offices to</p> <p>22 close, at least temporarily -- is that correct -- in the</p> <p>23 next fiscal year?</p> <p>24 MS. DAVIO: If the equipment fails in our</p> <p>25 mobile offices, we will have to close those offices.</p>

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1 SEN. ZAFFIRINI: And have you looked at	1 Absolutely.
2 Senate Bill 1 thoroughly yet?	2 SEN. WILLIAMS: Okay. And then what about
3 MS. DAVIO: I'm sorry?	3 if you had your license taken away because of -- what
4 SEN. ZAFFIRINI: Have you looked at Senate	4 kinds of things under the driver responsibility? Are
5 Bill 1, the appropriations bill, thoroughly yet?	5 those also going to be a lot of speeding tickets? I
6 MS. DAVIO: I have not done any detailed	6 guess it could be. Or more than likely it's going to
7 analysis of that, no, ma'am.	7 involve a DWI since we have one of the worse records of
8 SEN. ZAFFIRINI: So you have no idea	8 any state in the country on that, I believe?
9 what -- how that budget will impact you at this point in	9 MS. DAVIO: It could be DWI. It could be
10 time?	10 driving while your license is invalid. It could be
11 MS. DAVIO: No, ma'am. I know people	11 traffic offenses as you mentioned, driving without
12 at -- the experts at our agency are looking at it now.	12 insurance.
13 SEN. ZAFFIRINI: Well, when you have that	13 SEN. WILLIAMS: So the bottom line is
14 information -- I assume that you will -- would you share	14 these law breakers would be inconvenienced by having to
15 that us, please?	15 go get a free ID so they could go and vote if that's --
16 MS. DAVIO: Yes, ma'am.	16 if they wish to exercise their constitutional
17 SEN. ZAFFIRINI: From your perspective.	17 responsibility. Is that correct?
18 Thank you very much.	18 MS. DAVIO: Yes, sir. They would be able
19 Thank you, Mr. Chairman.	19 to get an ID.
20 CHAIRMAN DUNCAN: Senator Williams?	20 SEN. WILLIAMS: Okay. And then how often
21 SEN. WILLIAMS: Thank you, Mr. Chairman.	21 would -- once you had this state ID card and assuming
22 Just a couple of things that I wanted to clarify. And I	22 that you were a citizen and you had met all the
23 guess, first of all, I wanted to thank Senator Gallegos	23 requirements that it took to get the license or the
24 and Senator Whitmire because I really wasn't that	24 state ID card, how often would that be renewed? How
25 familiar with people who had their licenses confiscated	25 often are they going to have to appear in person to get
426	428
1 or taken away because of the driver responsibility plan.	1 that renewed?
2 Now, by the way, if you have your license	2 MS. DAVIO: The ID cards just like the
3 confiscated, what kind of traffic offense would you have	3 driver licenses are good for six years, and it is
4 had to have been involved in for law enforcement to take	4 possible to renew them online.
5 your -- confiscate your license? Do you know? It	5 SEN. WILLIAMS: Okay. So it could be 12
6 doesn't have to be an exhaustive list, but just --	6 years?
7 MS. DAVIO: The major reason that people	7 MS. DAVIO: Yes, sir.
8 give those particular forms apart -- away, that law	8 SEN. WILLIAMS: So they would be able to
9 enforcement issues those, as I understand it, is for	9 vote with that ID card at least six and maybe 12 years?
10 intoxication offenses where they've failed or refused to	10 MS. DAVIO: Yes, sir.
11 provide a specimen.	11 SEN. WILLIAMS: Okay. That -- okay. I
12 SEN. WILLIAMS: Okay.	12 just wanted to make sure that we had cleared that up.
13 MS. DAVIO: That's my understanding.	13 Thank you very much. I really appreciate you hanging in
14 SEN. WILLIAMS: So if you refused to take	14 here with us tonight.
15 a breathalyzer test or give blood, then they'll take	15 MS. DAVIO: Thank you.
16 your license away?	16 SEN. WILLIAMS: I did have one last
17 MS. DAVIO: That's my understanding, sir.	17 question. Excuse me, Mr. Chairman, if I could. The
18 SEN. WILLIAMS: Okay. Now, that person	18 other thing I wanted to ask is, in a moment when we have
19 can apply for a temporary license, a work permit, you	19 the Secretary of State's Office up here, I'm going to
20 know, to be able to get back and forth to work.	20 talk to them, and I visited with you about it, I'm
21 MS. DAVIO: They may be able to, yes, sir.	21 hoping that we can take your driver's license file and
22 SEN. WILLIAMS: And they could come and	22 cross-match that with the voter registration files and
23 get a state ID -- correct -- at no cost if they wanted	23 try to find that group of people who are voting and
24 to have it to vote?	24 registered to vote, but they don't have a driver's
25 MS. DAVIO: Yes, sir, they could.	25 license or a state ID card so that we can focus our

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<p style="text-align: right;">429</p> <p>1 efforts on education on -- especially on that group.</p> <p>2 Now, would you be able to do that, provide</p> <p>3 that information to the Secretary of State's Office</p> <p>4 with -- under the current resources that you have? And</p> <p>5 I'm not going to ask you about the next biennium's</p> <p>6 budget. We're just trying to get through this biennium</p> <p>7 now. But under the current biennium, would you be able</p> <p>8 to provide that information to the Secretary of State</p> <p>9 with the resources?</p> <p>10 MS. DAVIO: They already -- they already</p> <p>11 have the information, and I believe they are working on</p> <p>12 the analysis now.</p> <p>13 SEN. WILLIAMS: Oh, okay. Great. Boy,</p> <p>14 y'all are quick. Thank you.</p> <p>15 CHAIRMAN DUNCAN: Okay. Thank you.</p> <p>16 We have a few more -- a few more questions</p> <p>17 from -- this witness has been going about an hour and</p> <p>18 ten minutes.</p> <p>19 Senator West?</p> <p>20 SEN. WEST: Thank you, Mr. Chairman. I'm</p> <p>21 not going to be redundant. I just have a couple of</p> <p>22 requests. Can your office provide an analysis of how</p> <p>23 long the average wait in each one of the offices that</p> <p>24 you have -- what is the average wait in order to get a</p> <p>25 driver's license? I assume that you have that sort of</p>	<p style="text-align: right;">431</p> <p>1 particular identification procedure, have you given an</p> <p>2 idea as to whether or not you are going to be using</p> <p>3 troopers or civilian employees to do this?</p> <p>4 MS. DAVIO: There really aren't troopers</p> <p>5 in the driver license division anymore. That was a</p> <p>6 recommendation from the Sunset Commission. So there are</p> <p>7 no commissioned troopers in the driver license office.</p> <p>8 SEN. WEST: So it would be civilian</p> <p>9 employees?</p> <p>10 MS. DAVIO: Yes, sir.</p> <p>11 SEN. WEST: All right. Thank you.</p> <p>12 CHAIRMAN DUNCAN: Senator Gallegos?</p> <p>13 SEN. GALLEGOS: Let me ask you, Rebecca --</p> <p>14 and I'm sorry you drew the short straw. And Senator</p> <p>15 West asked the question I was going to ask you, but</p> <p>16 Senator Williams brought up an issue that, you know, I</p> <p>17 disagree with him. When you're stopped, it's an</p> <p>18 alleged -- you're not a law breaker, it's an alleged.</p> <p>19 You know, I'm not the jury, and I'm not the judge. So</p> <p>20 that person that's stopped is not guilty until he or she</p> <p>21 has their day in court.</p> <p>22 So when you confiscate the license, you</p> <p>23 have confiscated on an alleged offense. And until he or</p> <p>24 she has their day in court and they are convicted, then</p> <p>25 you can call him or her a law breaker. So I disagree</p>
<p style="text-align: right;">430</p> <p>1 an analysis.</p> <p>2 MS. DAVIO: Actually, sir, currently we do</p> <p>3 not have that information. We have anecdotal</p> <p>4 information, but we do not have wait times. We're in</p> <p>5 the process of installing a queuing system in our 50</p> <p>6 largest offices. And so in a matter of months I'd be</p> <p>7 able to provide that information for you in our largest</p> <p>8 offices, but I do not have any complete information for</p> <p>9 wait times in our offices.</p> <p>10 SEN. WEST: Give us the best guesstimate</p> <p>11 that you have. I assume that there are conversations</p> <p>12 about wait time that you have internally. And, you know</p> <p>13 just make sure you just qualify it based on what you</p> <p>14 have. It's not -- it's not a perfect example, a perfect</p> <p>15 study or anything like that, but get us -- give us the</p> <p>16 best estimates that you have concerning that. Okay?</p> <p>17 MS. DAVIO: The average wait time?</p> <p>18 SEN. WEST: Yes.</p> <p>19 MS. DAVIO: In all of our offices?</p> <p>20 SEN. WEST: Yeah, broken down by office,</p> <p>21 so I don't just want a global -- to the extent that you</p> <p>22 can. And what you may want to do is just contact the</p> <p>23 offices and get an idea from the individuals that are in</p> <p>24 the offices.</p> <p>25 As you go about implementing this</p>	<p style="text-align: right;">432</p> <p>1 with Senator Williams. Is that correct? I mean, am I</p> <p>2 wrong? Am I wrong? When you arrest that person, is he</p> <p>3 or she convicted right then and there?</p> <p>4 MS. DAVIO: No, sir.</p> <p>5 SEN. GALLEGOS: So you're telling me they</p> <p>6 are not guilty until they have their day in court. Is</p> <p>7 that correct?</p> <p>8 MS. DAVIO: I believe that's the way the</p> <p>9 legal system works.</p> <p>10 SEN. GALLEGOS: I didn't hear you. I'm</p> <p>11 sorry.</p> <p>12 MS. DAVIO: I believe that's the way the</p> <p>13 legal system works.</p> <p>14 SEN. GALLEGOS: Okay. So that person --</p> <p>15 that person that has that temporary license is innocent</p> <p>16 until proven guilty. Is that correct?</p> <p>17 MS. DAVIO: You're asking me to testify on</p> <p>18 something that's outside my area of expertise, sir. I</p> <p>19 don't -- I don't know the intricacies of traffic --</p> <p>20 SEN. GALLEGOS: The document that your</p> <p>21 office gives these law enforcement agencies when</p> <p>22 somebody is stopped either on DWI or whatever issue,</p> <p>23 whatever issue when you confiscate a license, that</p> <p>24 person is innocent until proven guilty under the --</p> <p>25 under the temporary license that I'm seeing here, that</p>

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<p style="text-align: right;">433</p> <p>1 has your language on it, that you give to these law 2 enforcement agencies when you stop these people. Is 3 that correct?</p> <p>4 MS. DAVIO: As I understand it, a DWI, if 5 they get a mandatory suspension, that does not start 6 until after their conviction.</p> <p>7 SEN. GALLEGOS: After a conviction?</p> <p>8 MS. DAVIO: Yes, sir, for a --</p> <p>9 SEN. GALLEGOS: So when you stop that 10 person, that is not a conviction?</p> <p>11 MS. DAVIO: Or DWI mandatory suspension.</p> <p>12 SEN. GALLEGOS: That is not a conviction, 13 though?</p> <p>14 MS. DAVIO: Just shopping them I don't 15 believe is a conviction.</p> <p>16 SEN. GALLEGOS: And you give them one of 17 these licenses. You have confiscated their license and 18 have given them a temporary. Is that correct?</p> <p>19 MS. DAVIO: Law enforcement does that, 20 yes, sir.</p> <p>21 SEN. GALLEGOS: Well, you gave them the -- 22 (Simultaneous discussion)</p> <p>23 MS. DAVIO: We simply give them the form.</p> <p>24 SEN. GALLEGOS: You give the law 25 enforcement this paper. It has your language on it. Is</p>	<p style="text-align: right;">435</p> <p>1 SEN. WENTWORTH: And then you found a new 2 location on Pat Booker Road out near Randolph Air Force 3 Base, and my constituents are very pleased with that 4 improvement and were grateful that that improvement has 5 been made.</p> <p>6 MS. DAVIO: Thank you so much.</p> <p>7 SEN. WENTWORTH: Thank you.</p> <p>8 MS. DAVIO: I appreciate that. It's nice 9 to hear a good story.</p> <p>10 SEN. WENTWORTH: You bet.</p> <p>11 CHAIRMAN DUNCAN: Thank you, Senator 12 Wentworth.</p> <p>13 Are there any other questions of the 14 resource witness?</p> <p>15 (No response)</p> <p>16 CHAIRMAN DUNCAN: All right. Thank you 17 very much, Ms. Davio.</p> <p>18 MS. DAVIO: Uh-huh.</p> <p>19 CHAIRMAN DUNCAN: All right. The Chair 20 calls Ann McGeehan, Secretary of State's Office. If 21 you'll state your name and who you represent, please.</p> <p>22 TESTIMONY BY ANN MCGEEHAN</p> <p>23 MS. MCGEEHAN: Ann McGeehan, and I'm 24 Director of Elections in the Texas Secretary of State's 25 Office.</p>
<p style="text-align: right;">434</p> <p>1 that correct?</p> <p>2 MS. DAVIO: Yes, sir. That is our form.</p> <p>3 Yes, sir.</p> <p>4 SEN. GALLEGOS: Okay. Thank you.</p> <p>5 CHAIRMAN DUNCAN: Senator Wentworth?</p> <p>6 SEN. WENTWORTH: I'm going to be very 7 brief and thank you for your testimony this evening and 8 tell you that this probably happened before you arrived 9 here in June of last year. But there were some 10 considerable complaints from people in my district in 11 north Bexar County --</p> <p>12 MS. DAVIO: Uh-huh.</p> <p>13 SEN. WENTWORTH: -- about a driver license 14 office on Perrin Beitel Road --</p> <p>15 MS. DAVIO: Uh-huh.</p> <p>16 SEN. WENTWORTH: -- where I can testify 17 anecdotally, as you have, that it was an hour or 18 longer --</p> <p>19 MS. DAVIO: Yes, sir.</p> <p>20 SEN. WENTWORTH: -- about the wait.</p> <p>21 MS. DAVIO: Yes, sir.</p> <p>22 SEN. WENTWORTH: And there were enough 23 complaints over the years that you all let the lease 24 expire.</p> <p>25 MS. DAVIO: Yes, sir.</p>	<p style="text-align: right;">436</p> <p>1 CHAIRMAN DUNCAN: All right. Thank you, 2 Ms. McGeehan.</p> <p>3 The Chair recognizes Senator Davis.</p> <p>4 QUESTIONS FROM SENATE FLOOR</p> <p>5 SEN. DAVIS: Hello. Good evening. Thank 6 you so much for being here with us to provide answers 7 for our questions. I know you've had a long day.</p> <p>8 I just want to ask you a few questions 9 about the current state of voter education as its taking 10 place today in the Secretary of State's Office. Can you 11 describe for us the use of the HAVA funds and how those 12 are currently being used today?</p> <p>13 MS. MCGEEHAN: We received -- when 14 Congress passed the Help America Vote Act, the state of 15 Texas received a set amount of funds. And pursuant to 16 the Help America Vote Act, there are certain purpose 17 areas that we can use those funds for, and one of the 18 purpose areas is voter education. So since two -- we 19 have conducted three statewide education -- voter 20 education programs, one in 2006, one in 2008 and one in 21 2010 using those federal dollars. And they have been -- 22 we've worked with a public education firm to do 23 research, and then they develop creative material. We 24 run PSAs on TV, radio. In this last cycle, 2010, we 25 used the Internet quite a bit as well.</p>

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<p style="text-align: right;">437</p> <p>1 SEN. DAVIS: And how many people do you</p> <p>2 think you reach through your voter education efforts</p> <p>3 right now? And how much have each of those cycles of</p> <p>4 voter education effort cost?</p> <p>5 MS. MCGEEHAN: The average cost is about</p> <p>6 \$3 million for each one, around that amount. As far as</p> <p>7 the number of people we've touched through the campaign,</p> <p>8 we do have some reports on that. I don't have that</p> <p>9 number at my fingertip, but we have a report for each</p> <p>10 one of the voter education campaigns that talks a little</p> <p>11 bit about the effectiveness and how many people saw the</p> <p>12 media spots and things of that nature.</p> <p>13 SEN. DAVIS: And are the Help America Vote</p> <p>14 Act funds funds that are continually given to the state</p> <p>15 from the federal government, or was it a one-time</p> <p>16 disbursement that's been used over the course of those</p> <p>17 three cycles?</p> <p>18 MS. MCGEEHAN: It was authorized in that</p> <p>19 one bill. We've received it in about three or four</p> <p>20 separate payments. We don't contemplate that we're</p> <p>21 going to be receiving any more.</p> <p>22 SEN. DAVIS: And what was the total amount</p> <p>23 that was given to Texas?</p> <p>24 MS. MCGEEHAN: Let me grab that. The</p> <p>25 total amount for all the purpose areas is \$224,092,477.</p>	<p style="text-align: right;">439</p> <p>1 balance of that money? Were this bill not to come</p> <p>2 forward to your department, what would the intended use</p> <p>3 for those funds be?</p> <p>4 MS. MCGEEHAN: I can't speak necessarily</p> <p>5 for, you know, exactly what would be done in the next</p> <p>6 general election cycle, but I would contemplate we would</p> <p>7 do another statewide voter education program in 2012,</p> <p>8 and if funds remained in 2014.</p> <p>9 SEN. DAVIS: Is there a plan for ongoing</p> <p>10 capital expenditures as you talked about, which was the</p> <p>11 use of the bulk of the funds that we've received so far?</p> <p>12 MS. MCGEEHAN: Yeah. There are --</p> <p>13 there's 24 -- roughly \$24 million left in the -- in the</p> <p>14 purpose area for grants to counties to obtain voting</p> <p>15 equipment.</p> <p>16 SEN. DAVIS: Okay. And so after you take</p> <p>17 out that 24 million, what will the balance be that</p> <p>18 remains for voter education efforts?</p> <p>19 MS. MCGEEHAN: Well, that's -- that's</p> <p>20 already frozen as far as the -- in order to draw down</p> <p>21 those funds, the state had to submit a state plan. We</p> <p>22 had to meet with stakeholders, publish in the Register</p> <p>23 and submit it to the Election Assistance Commission.</p> <p>24 And so pursuant to that state plan, we had to define how</p> <p>25 we were going to spend the money, and so these -- the</p>
<p style="text-align: right;">438</p> <p>1 SEN. DAVIS: That's the amount that was</p> <p>2 given to the state of Texas?</p> <p>3 MS. MCGEEHAN: Yes.</p> <p>4 SEN. DAVIS: Okay. And so of that amount,</p> <p>5 how much have we spent so far?</p> <p>6 MS. MCGEEHAN: Let's see here. We -- I</p> <p>7 think we have spent \$177,798,488.</p> <p>8 SEN. DAVIS: Okay. And you described</p> <p>9 spending about \$3 million over the last three two-year</p> <p>10 cycles. How have we spent the balance of that?</p> <p>11 MS. MCGEEHAN: Well, I mean, the bulk of</p> <p>12 the money or about half of the money went to counties to</p> <p>13 obtain HAVA compliant voting systems, electronic voting</p> <p>14 systems that made -- that complied with HAVA and allowed</p> <p>15 disabled voters to vote independently. So let's see.</p> <p>16 \$140 million went to the counties for that purpose.</p> <p>17 The other program areas are for developing</p> <p>18 a statewide voter registration system. We've spent</p> <p>19 25 million on that. And then as far as the</p> <p>20 administrative expenses, we've spent about 2.8 million</p> <p>21 on that. For voter education, we've spent 9.5 million</p> <p>22 so far.</p> <p>23 SEN. DAVIS: And what are the -- setting</p> <p>24 aside the requirements of the bill that's being</p> <p>25 introduced today, what are the intended plans for the</p>	<p style="text-align: right;">440</p> <p>1 budget that I discussed is following that state plan.</p> <p>2 SEN. DAVIS: Okay. And under that state</p> <p>3 plan right now, what portion of funding remains for</p> <p>4 voter education?</p> <p>5 MS. MCGEEHAN: For voter -- okay. And</p> <p>6 actually to be more precise, what the -- the purpose</p> <p>7 area for voter education is for voter education and also</p> <p>8 for election official and poll worker training; that's</p> <p>9 grouped. And the amount remaining is between 5 and</p> <p>10 \$7 million.</p> <p>11 SEN. DAVIS: Okay. And that is expected</p> <p>12 to extend us or to take us through the next how many</p> <p>13 years under that plan?</p> <p>14 MS. MCGEEHAN: It will -- again, it's</p> <p>15 going to depend how extensive our next few voter</p> <p>16 education programs are because that's what the bulk of</p> <p>17 the money has been spent on, voter education programs.</p> <p>18 The average is about 3 million. So I guess the hope</p> <p>19 might be for at least two other statewide voter</p> <p>20 education programs.</p> <p>21 SEN. DAVIS: Okay. And I'm sure you've</p> <p>22 seen the fiscal note that was a part of this bill. And</p> <p>23 by the way, I think it would be very helpful if you</p> <p>24 would enter that state plan into the record as an</p> <p>25 exhibit for our further use.</p>

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<p>1 I'm sure you've seen the fiscal note that 2 came as a part of this bill in terms of the expected 3 expenditures. Part of that note talks about a fiscal 4 impact that's related to researching and developing ways 5 to inform the public of the new ID requirements. That's 6 \$.5 million expenditure, an additional cost of 7 1.5 million for media advertisements, television, radio, 8 print and Internet. That's specifically to educate 9 voters about the new requirements under this bill.</p> <p>10 What will go undone that's currently in 11 the state plan -- if we take 2 million of the 5 million 12 remaining, what will go undone that's currently in the 13 state plan in terms of voter education effort?</p> <p>14 MS. MCGEEHAN: I don't know that I have an 15 exact answer to that. If we're able to incorporate the 16 new voter ID requirements that would be required by this 17 bill into a voter education program, then maybe we 18 wouldn't need 2 million just for the voter ID. We could 19 parlay that into the -- basically the voter education 20 campaigns that we've done or the voter education 21 programs have been to educate voters on the basic rights 22 on how to vote, what you need to vote. So it may not be 23 such an extension to incorporate these new requirements 24 for voter ID, or they may. I mean, depending on the 25 research that we get back from stakeholders and whatnot,</p>	<p>1 information from me.</p> <p>2 MS. MCGEEHAN: That's right.</p> <p>3 SEN. DAVIS: Correct?</p> <p>4 MS. MCGEEHAN: That's right. It was 5 voluntary before. So we have some TDLs and SSN numbers 6 from -- but it wasn't required until 2006.</p> <p>7 SEN. DAVIS: So we've been able to gather 8 that information from that point in time for people who 9 are newly registering to vote in the state of Texas. Of 10 that group, how many people or what percentage of people 11 are answering one or both of those questions in response 12 to No. 8 versus signing the attestation clause in 13 Section No. 9?</p> <p>14 MS. MCGEEHAN: Are you asking the number 15 of --</p> <p>16 SEN. DAVIS: Let me -- let me break it 17 down better.</p> <p>18 MS. MCGEEHAN: Okay. Okay.</p> <p>19 SEN. DAVIS: So under Question No. 8, what 20 percentage of people currently, who are requesting a 21 voter registration card, who are filling out the 22 application starting in '06 with this new form, what 23 percentage of people are providing their Texas driver's 24 license in response to the questions on the application?</p> <p>25 MS. MCGEEHAN: Okay. I don't have the</p>
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<p>1 but it's hard for me to say today exactly how much that 2 may take away from future voter education efforts.</p> <p>3 SEN. DAVIS: When was the last time in the 4 state of Texas we made any changes of significance to 5 the voter rules?</p> <p>6 MS. MCGEEHAN: Probably the -- when we had 7 to implement the federal Help America Vote Act. That's 8 when provisional voting became a requirement. There 9 were significant changes to voter registration as to 10 what's required to become a registered voter, and that's 11 why we have these HAVA dollars for voter education.</p> <p>12 SEN. DAVIS: And that began in '06.</p> <p>13 Correct?</p> <p>14 MS. MCGEEHAN: Correct.</p> <p>15 SEN. DAVIS: Okay. In '06, the Texas 16 voter registration application form changed in 17 accordance with those requirements, it's my 18 understanding, and that's when we began to collect this 19 data that requested a driver's license number or a 20 social security number. Is that's correct?</p> <p>21 MS. MCGEEHAN: That's correct.</p> <p>22 SEN. DAVIS: Okay. So we have data, I 23 guess, only from '06, and that would -- would that only 24 be then for new registrants from '06? If I had already 25 registered to vote prior to that, you wouldn't have that</p>	<p>1 percent number, but the actual number is 2.3 million 2 since 2006. Since January 1, 2006 through December 31, 3 2010, 2.3 million, when they registered, provided their 4 driver's license number.</p> <p>5 SEN. DAVIS: What's the total number of 6 applications in that time period?</p> <p>7 MS. MCGEEHAN: And the total number -- I 8 think it's going to be just under 3 million, and I'm 9 doing math on the fly. I might have to -- I'd prefer to 10 give that --</p> <p>11 SEN. DAVIS: Can you provide that 12 information --</p> <p>13 MS. MCGEEHAN: Yes.</p> <p>14 SEN. DAVIS: -- to us?</p> <p>15 MS. MCGEEHAN: Yes.</p> <p>16 SEN. DAVIS: That would be appreciated.</p> <p>17 So what's the number of people who are not 18 filling out either the driver's license number or the 19 social security number in Section 8 but instead are 20 going to Section 9 and signing the attestation clause of 21 Section 9?</p> <p>22 MS. MCGEEHAN: And that's the attestation 23 clause saying they have not been issued either form of 24 ID?</p> <p>25 SEN. DAVIS: (Nodded)</p>

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<p>445</p> <p>1 MS. MCGEEHAN: Yeah, that number is 2 34,506.</p> <p>3 SEN. DAVIS: Okay. Do we have any -- any 4 estimate of the number of people who are currently 5 registered today? If we've only been gathering that 6 information since 2006, do we have any kind of an 7 estimate of the number of people who are currently 8 registered to vote today who do not have a driver's 9 license number to provide?</p> <p>10 MS. MCGEEHAN: Well, if we -- if we look 11 at our entire statewide file, we have 5.2 million voters 12 that did provide a driver's license number or an ID 13 number. We have 2.1 million voters that present -- that 14 provided a social security number. 4 million of them 15 provided both. And then the numbers that have 16 neither -- or the voters that hadn't provided either one 17 is 690,887. So it doesn't necessarily mean that those 18 people haven't been issued, but they didn't -- either 19 they don't have those numbers or they registered before 20 it was required, and so they didn't provide them when 21 they registered if it was pre-2006.</p> <p>22 SEN. DAVIS: But the question wasn't 23 asked. It was -- I guess as you said, you could 24 voluntarily provide that information prior to '06.</p> <p>25 MS. MCGEEHAN: Well, it was asked, but it</p>	<p>447</p> <p>1 I don't have -- or have not been issued a driver's license 2 or a personal ID number. So we're trying to run some of 3 those numbers right now.</p> <p>4 SEN. DAVIS: I guess a confusion for me is 5 how we came up with the \$2 million fiscal note for that 6 and yet we don't really know, as you said a moment ago 7 we don't really know how many people will be impacted by 8 it and what that statewide voter education effort is 9 going to need to look like. So where did the \$2 million 10 number come from?</p> <p>11 MS. MCGEEHAN: Well, the \$2 million number 12 came from the way the bill is written because the bill 13 simply says "a statewide voter education effort." So 14 there's not too much detail in the bill as to what's 15 required. Our assumption is that our previous voter 16 education programs might be the model, and they've been 17 around 3 million. And plus, we also noticed that last 18 session the Senate put a \$2 million fiscal note on it. 19 So we thought, well, maybe that's some representation of 20 legislative intent as to what an appropriate voter 21 education program might cost, but --</p> <p>22 SEN. DAVIS: So we've had voter education 23 efforts in the past that have cost about \$3 million each 24 time we've engaged in the voter education effort. We're 25 talking today about making some sweeping changes to</p>
<p>446</p> <p>1 was optional. It was on the form.</p> <p>2 SEN. DAVIS: Uh-huh. Okay. So we really 3 don't know how many of that group were answering the 4 question voluntarily because they have the number versus 5 those who were not answering it, not because they chose 6 to, but because they did have their driver's license 7 number?</p> <p>8 MS. MCGEEHAN: Yes, you are correct. 9 That's right.</p> <p>10 SEN. DAVIS: So when we're putting 11 together an estimate of what the cost to educate our 12 voters is going to be and when we think about how 13 significant the changes are that are addressed in this 14 bill, what's your -- what's your process been to try to 15 determine how many people will be impacted and what that 16 voter education is going to need to look like?</p> <p>17 MS. MCGEEHAN: Well, we -- I mean, to be 18 very honest, we haven't done much planning yet. We 19 prepared this fiscal note on Friday. That would be 20 obviously a very important component is trying to 21 identify who the appropriate audiences are, who you need 22 to get the information out to.</p> <p>23 Senator Williams had approached us earlier 24 today to see if we could do some comparisons to try and 25 further focus in on who those registered voters are that</p>	<p>448</p> <p>1 what's required in order to vote in the state of Texas. 2 Why is the number to educate -- on such a sweeping 3 change for what will likely be a much larger group of 4 impacted people in the state of Texas, why is that 5 number so much lower than the \$3 million number that's 6 currently being spent for voter education?</p> <p>7 MS. MCGEEHAN: Well, if the -- if a 8 \$2 million program is added into an existing \$3 million 9 program, then you've got a \$5 million program. I mean, 10 our voter education under HAVA is directed to all 11 registered voters. And so, you know, a new voter -- a 12 new photo ID requirement would also need to be directed 13 to all registered voters because it's a change for all 14 voters.</p> <p>15 SEN. DAVIS: So we're talking about -- I'm 16 sorry to interrupt you. We're talking a \$2 million 17 addition to the \$3 million that was already intended for 18 voter education in this next two-year cycle.</p> <p>19 MS. MCGEEHAN: Possibly, possibly. I 20 mean, we -- you know, we've got a communications 21 director that would have some input on that. This 22 fiscal note represented what we thought might be a 23 reasonable fiscal note. If we have, you know, 24 legislative direction to take it a different way or do 25 additional outreach, that's fine. But based on the way</p>

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<p style="text-align: right;">449</p> <p>1 the bill was written and based on the fiscal note filed 2 last time, we thought that was a reasonable number. 3 SEN. DAVIS: So let's say we spend about a 4 total of \$5 million in the next two years with our 5 intended voter education effort that's already been 6 planned and with an additional cost for educating on the 7 requirements of this proposed new law. That's about the 8 balance of the voter education fund right now. Is that 9 correct? 10 MS. MCGEEHAN: Well, it's about -- we've 11 spent 9 million. I think the balance -- yeah, the 12 balance is between 5 and 7 million. That's correct. 13 SEN. DAVIS: Okay. So that will take us 14 through about what -- how long of a period of time will 15 that take us through? 16 MS. MCGEEHAN: If we used 5 million to do 17 a voter -- a general voter education plan and then 18 another 2 million to do a detailed photo -- photo 19 identification plan, that might -- that might use it up. 20 SEN. DAVIS: And if it uses it up, what 21 will we do in future years to educate our voters about 22 these requirements? 23 MS. MCGEEHAN: Well, frankly -- I mean, 24 state law has never appropriated state funds to educate 25 voters. So, you know, these federal funds have been</p>	<p style="text-align: right;">451</p> <p>1 have to change and update training like that because at 2 least it's always been considered that is part of our 3 mandate in election administration. So when we get 4 appropriation under the election administration 5 umbrella, our statutory mandate is to train and assist 6 election authorities. 7 SEN. DAVIS: And what's happened to 8 your -- your budget, not only in this current biennium 9 that we're in, but the proposed budget going forward? 10 MS. MCGEEHAN: We're still digesting that 11 as far as on the House side. I don't know about the 12 Senate side yet. But on the House side, I believe we 13 took about a 14.5 percent budget reduction on the 14 House -- HB 1 bill. 15 SEN. DAVIS: So we're talking about a 16 fairly dramatic budget cut for your agency while at the 17 same time we are talking about adding some very 18 significant requirements in terms of the changes that 19 you would need to make to your training programs and 20 materials for purposes of educating election workers and 21 county administrators on the new rules that would be 22 implemented in this bill? 23 MS. MCGEEHAN: That's correct. 24 SEN. DAVIS: And there's no fiscal note 25 currently estimated for what that cost might be?</p>
<p style="text-align: right;">450</p> <p>1 really nice to have them to do that. We never had that 2 kind of funding before. So if there's a desire to do 3 voter education programs of this -- of this type, then 4 we would need state appropriation. 5 SEN. DAVIS: So these federal funds will 6 take us basically through a one-time voter education 7 drive on the requirements of this new law, but it's not 8 going to take us further than that? 9 MS. MCGEEHAN: Not if we use it all, 10 not -- it could possibly use up the remainder of the 11 voter education funds. 12 SEN. DAVIS: Okay. So we've talked about 13 the voter education. Talk to us a little bit about the 14 costs of training the poll workers and the registrars. 15 MS. MCGEEHAN: We currently have several 16 training programs for -- well, we have training programs 17 for the county election officials and then other 18 training programs for the poll workers. We have an 19 online training program. We have a video. We have 20 handbooks. So we would have to update all of those -- 21 all those different formats of training. 22 SEN. DAVIS: And what's the anticipated 23 costs for updating all those forms of training? 24 MS. MCGEEHAN: We don't usually put a 25 fiscal note when there's a change in state law and we</p>	<p style="text-align: right;">452</p> <p>1 MS. MCGEEHAN: It's my understanding that 2 when we've been asked to prepare fiscal notes for these 3 kinds of issues, we have not added a fiscal impact for 4 something that's already a statutory duty. As we 5 analyze HB 1, maybe we're going to have to revise that, 6 but at least our standing policy was if it was a 7 statutory duty that we're already charged to do, that we 8 don't put an additional fiscal note on it. 9 SEN. DAVIS: Are you concerned that you're 10 going to find yourselves fairly flatfooted in terms of 11 not being prepared with the resources that you need, to 12 train election workers and to train county 13 administrators on the requirements of this new law 14 facing the budget cuts that you're facing without a 15 fiscal note that's going to add resources to your 16 department for purposes of carrying out these 17 requirements? 18 MS. MCGEEHAN: I think all state agencies 19 in the state have concerns about providing the services 20 they are charged to provide in light of significant 21 budget cuts. But on the issue of training, the analysis 22 was that that was not going to cost anything additional 23 as to what we've already been appropriated. 24 SEN. DAVIS: And do you agree with that, 25 that it's not going to cost anything additional for your</p>

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<p>453</p> <p>1 agency to provide the training for the significant 2 changes in the law that will be imposed if this bill is 3 passed into law?</p> <p>4 MS. MCGEEHAN: Well, after every session, 5 we have to change all our materials. And, you know, 6 maybe I can talk to our fiscal officer and maybe we'll 7 start putting in fiscal notes for these kinds of things, 8 but it has been our policy not to add a fiscal note for 9 something we're currently doing under state law and 10 funded for.</p> <p>11 SEN. DAVIS: And so the change in 12 materials is all that would occur? If I'm an election 13 worker in the state of Texas and I'm facing some pretty 14 significant changes -- and I have to tell you I've read 15 this bill numerous times, and I'm still confused in 16 terms of what it would require of me as an election 17 worker. Is that the only costs that we assume will be 18 incurred, is the cost of the change of the material? 19 Isn't there some training -- active training that has to 20 occur to be able to make sure that the election workers 21 and the county administrators who are tasked with 22 carrying out this new law will understand exactly what's 23 expected of them in terms of its implementation?</p> <p>24 MS. MCGEEHAN: We do -- we do, I think, 25 pretty extensive training right now. I mean, in an odd</p>	<p>455</p> <p>1 updating handbooks and video and things likes that that 2 we normally produce as training materials.</p> <p>3 SEN. DAVIS: When the Help America Vote 4 Act was implemented and in '06, as you said, that was 5 the first significant change that's been made or it's 6 the most recent significant change that's been made in 7 election laws in the state of Texas in terms of the 8 requirements of your agency and the training of your 9 agency, did the costs that your agency realize as a 10 result of the training component for HAVA increase as a 11 result of those new requirements?</p> <p>12 MS. MCGEEHAN: We -- what we did do was 13 develop an online training component. So we used a 14 portion of the HAVA dollars to develop an online 15 training component, which was in addition to our other 16 training. I could get -- I don't know the cost of that, 17 but I could get you the cost.</p> <p>18 SEN. DAVIS: It would be a helpful number 19 to have.</p> <p>20 There's also a discussion in terms of the 21 fiscal note on this bill, including a coordinated voter 22 registration drive or other activities that would be 23 designed to expand voter registration. What would the 24 costs of such a registration drive be? It's on Page 2 25 of the fiscal note.</p>
<p>454</p> <p>1 numbered year, we hold four seminars, and we have very 2 good attendance from our county election officials. So 3 I would be certain that our August county election 4 official seminar will be heavily -- if this passes will 5 heavily emphasize these new rules.</p> <p>6 To go back to the federal funds, which we 7 know are limited, the grant for voter education also 8 includes election official training and poll worker 9 training. So if there are any remaining HAVA dollars in 10 that category that we don't use on voter education, we 11 could perhaps use to additional -- to develop additional 12 training materials.</p> <p>13 SEN. DAVIS: Yes, and we talked about that 14 a moment ago, and you did state on the record that that 15 category of 5 to \$7 million that's remaining is the 16 entirety of the federal resource that you have available 17 to you right now, both for voter education and for 18 training purposes. And we've also talked about the fact 19 that the expectation and the demand on that particular 20 fund for public education is going to take the 21 significant balance that remains there. Correct?</p> <p>22 MS. MCGEEHAN: Right. Well, just to be 23 clear, the remaining balance in the HAVA is all we have 24 for voter education, but there are some state funds -- I 25 don't think it's a lot -- but that would go towards</p>	<p>456</p> <p>1 MS. MCGEEHAN: Okay. I think that what 2 that is referring to is that at the end of Senate 3 Bill 14, there's a reference that says county voter 4 registrars can use Chapter 19 funds to defray costs in 5 conducting a voter registration drive. But I don't see 6 anything -- and I may have missed it -- but I don't see 7 anything in Senate Bill 14 that requires a voter 8 registration drive. I think it's -- what that section 9 in the bill is doing is trying to make clear that these 10 funds, which are -- go to county voter registrars to 11 enhance voter registration could be used to do voter 12 registration drives, but I don't see anything that 13 requires a voter registration drive in Senate Bill 14.</p> <p>14 SEN. DAVIS: What resources currently are 15 expected of our local governments in carrying out the 16 training and the public awareness programs under our 17 election code.</p> <p>18 MS. MCGEEHAN: The -- there's no state law 19 requirement to do voter education by the county 20 officials. Most of them do it as a public service 21 because they want to, but there's not a mandate under 22 state law to do that.</p> <p>23 Under Senate Bill 14, there's required 24 training of poll workers on the new photo ID 25 requirements. And I may have missed part of your</p>

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<p>457</p> <p>1 question.</p> <p>2 SEN. DAVIS: And that required training is</p> <p>3 to be done at the county level. It's expected that the</p> <p>4 county will fulfill that requirement through their own</p> <p>5 resources?</p> <p>6 MS. MCGEEHAN: Well, they are required to</p> <p>7 use the Secretary of State materials. I think that the</p> <p>8 election code gives them discretion as to how they</p> <p>9 implement it and how they conduct their training.</p> <p>10 SEN. DAVIS: So it's foreseeable that at</p> <p>11 the county level increased costs will be realized as a</p> <p>12 consequence of the expectations of this bill?</p> <p>13 MS. MCGEEHAN: Most counties conduct</p> <p>14 training today. So they would just be incorporating</p> <p>15 another component into their training program.</p> <p>16 Depending on how they handled it would impact how</p> <p>17 significant the fiscal impact would be in that county.</p> <p>18 SEN. DAVIS: If I'm a voter today and I</p> <p>19 want to go to the bill itself in terms of making sure I</p> <p>20 understand what would be expected of me under today's</p> <p>21 rules versus under the rules of the new bill, if I'm a</p> <p>22 voter today and I come in to vote and I don't have my</p> <p>23 voter registration card, instead I have an ID, I have a</p> <p>24 state issued ID, I have a valid driver's license, and my</p> <p>25 driver's license shows a different name than is</p>	<p>459</p> <p>1 MS. MCGEEHAN: I think that's basically</p> <p>2 correct. The purposes -- you know, showing ID today is</p> <p>3 only for purposes of proving who you are. It's not to</p> <p>4 prove where you live. So independent from the</p> <p>5 requirement to show ID, either certificate or one of the</p> <p>6 other authorized ID, there's a separate requirement in</p> <p>7 the code where the election -- where the poll worker has</p> <p>8 to ask every voter "Have you moved," so regardless of</p> <p>9 what ID they show. And if they say yes, they've moved,</p> <p>10 then they have to sign a statement of residence and</p> <p>11 update their information. If they say no, they haven't,</p> <p>12 they still live at the address on the list of registered</p> <p>13 voters, then they are permitted to vote.</p> <p>14 SEN. DAVIS: And what is your</p> <p>15 understanding of whether -- how or whether that would</p> <p>16 change under the requirements of the new bill if</p> <p>17 everyone now is going to come in with a state-issued ID</p> <p>18 or a driver's license? If the address on that ID does</p> <p>19 not match the address that's on the voter file, how is</p> <p>20 that to be handled going forward if this bill were to</p> <p>21 pass into law?</p> <p>22 MS. MCGEEHAN: My current understanding is</p> <p>23 that that process wouldn't change, that the purpose of</p> <p>24 SB 14 is, again, just to prove up ID, not prove where</p> <p>25 you reside.</p>
<p>458</p> <p>1 currently on the roll because I've married or I've</p> <p>2 divorced, how is that situation handled today?</p> <p>3 MS. MCGEEHAN: State law doesn't directly</p> <p>4 address it. So I think that as a practical matter</p> <p>5 what's happening is the poll workers are making judgment</p> <p>6 calls as they qualify those voters for voting.</p> <p>7 SEN. DAVIS: But they are not being given</p> <p>8 guidance or rules or requirements in terms of how they</p> <p>9 are to deal with that situation today?</p> <p>10 MS. MCGEEHAN: No.</p> <p>11 SEN. DAVIS: It's within their discretion?</p> <p>12 MS. MCGEEHAN: At this point. I mean,</p> <p>13 state law is silent on it, and our office has not issued</p> <p>14 any guidance on it. So we're hearing a lot about that</p> <p>15 today. That's definitely something we'll probably need</p> <p>16 to look into, but right now there is no rule or statute</p> <p>17 on that issue.</p> <p>18 SEN. DAVIS: Okay. And today if I go to</p> <p>19 vote and my identification that I use for purposes of</p> <p>20 voting has a different address on it than is listed on</p> <p>21 the precinct roll, I think it's the interpretation today</p> <p>22 under 2004 Secretary of State opinion that I am asked</p> <p>23 for my correct address, and I am to be believed if I say</p> <p>24 that my address is the address that's on the precinct</p> <p>25 list as opposed to what might be on my ID?</p>	<p>460</p> <p>1 SEN. DAVIS: And what steps would the</p> <p>2 Secretary of State's Office engage in to assure that the</p> <p>3 ID wasn't being used to establish an understanding of</p> <p>4 the voter's residency?</p> <p>5 MS. MCGEEHAN: Would definitely, I think,</p> <p>6 be included in our training materials to emphasize that.</p> <p>7 SEN. DAVIS: Currently, is there any</p> <p>8 information that the Secretary of State's Office gathers</p> <p>9 that breaks down by category voters in the state? And</p> <p>10 when I say "by category," I mean by race, by gender, by</p> <p>11 disability, by age.</p> <p>12 MS. MCGEEHAN: We have some information.</p> <p>13 We have -- we have age for sure. On gender -- we have</p> <p>14 some information on gender, but it's not conclusive</p> <p>15 because gender is now -- it used to be a required</p> <p>16 element on the voter registration application. In 1995,</p> <p>17 it was taken -- or it became optional after the National</p> <p>18 Voter Registration Act. So we have some data on gender,</p> <p>19 but, again, it's not complete.</p> <p>20 Regarding ethnicity, we really -- we don't</p> <p>21 have any information like that because it's not</p> <p>22 collected when a person applies to register to vote.</p> <p>23 The only data that we do have is we do have the number</p> <p>24 of voters that have an Hispanic surname. And so we can</p> <p>25 run the list of registered voters against this list of</p>

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1 Hispanic surnames that is provided by the census 2 department. 3 SEN. DAVIS: I'm sure you understand that 4 one of the sensitive issues that will arise as a 5 consequence of this legislation will be a question as to 6 whether the implementation of this law creates a 7 disproportionate impact on minorities, on seniors, on 8 the disabled, on women. How will the Secretary of 9 State's Office work to be able to answer those questions 10 when they are asked if we currently don't track that 11 data? And is there an intention to track it going 12 forward? 13 MS. MCGEEHAN: When we changed the voter 14 registration application in '94, '95, due to the 15 National Voter Registration Act, there was a long 16 discussion regarding this issue of whether the state 17 application should request a voter's race. The 18 determination at that time, based on feedback from all 19 the stakeholders, was not to do it because the thought 20 was that might be intimidating to a minority voter, "Why 21 are you asking, you know, what my ethnicity is? It 22 doesn't impact whether I can register or not." 23 We can revisit that issue because in order 24 to provide data, you know, if the legislature wants data 25 like that from the Secretary of State's Office, we have	1 into it, does this bill provide you any rulemaking 2 authority? 3 MS. MCGEEHAN: No. 4 SEN. WEST: Okay. So in interpreting 5 the -- let me back up. Are you often called upon by 6 county registrars to answer questions concerning issues 7 that arise in local counties? 8 MS. MCGEEHAN: Yes. 9 SEN. WEST: How do you normally decide 10 those questions? Do you just look at the black and 11 white law? Do you issue opinions? How is that -- 12 what's that process? 13 MS. MCGEEHAN: We issue opinions in a 14 couple of different ways. We have a toll-free number. 15 One is dedicated just for county officials. So if it's 16 a fairly straightforward, simple question, we give a 17 quick answer over the phone. If it's a -- if it's a 18 less involved question, we might get an email. We'll 19 give a response via email. If it's something that's 20 hard or we're really interpreting several different laws 21 or it's a new law and we feel like it has statewide 22 impact, we want to make sure that everyone is operating 23 under the same understanding, we'll issue an advisory. 24 SEN. WEST: Okay. And so an advisory or 25 just depending upon the circumstances maybe an email
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1 to have some way to collect it. So we could revisit 2 putting that question or adding that as a question to 3 the voter registration application. I'd be happy to 4 visit on ways where we could try and collect that, but 5 right now we would not have the tools that we would need 6 to be able to collect that data. 7 SEN. DAVIS: It seems rather important as 8 implementation of this law advances that that 9 information be made available for the Justice Department 10 review as well as any judicial review that might occur 11 in terms of the impact of the implementation of the law. 12 I believe that's all the questions I have 13 for you. Thank you so much. 14 MS. MCGEEHAN: Thank you. 15 CHAIRMAN DUNCAN: The Chair recognizes 16 Senator West. 17 SEN. WEST: Thank you very much, 18 Mr. Chairman. Many of the questions Senator Davis has 19 already asked, but have you had a chance to look at the 20 bill as introduced? 21 MS. MCGEEHAN: Yes. 22 SEN. WEST: Okay. Do you happen to have 23 it there in front of you? 24 MS. MCGEEHAN: Yes, I do. 25 SEN. WEST: Okay. Great. Before I get	1 opinion or something like that? 2 MS. MCGEEHAN: Well, advisories are 3 usually a little more -- it's like the most formal that 4 we do. 5 SEN. WEST: Right. 6 MS. MCGEEHAN: Yeah. Okay. 7 SEN. WEST: All right. Let me ask you to 8 go to Page 4 of the bill. 9 MS. MCGEEHAN: Okay. Can you tell me the 10 section? Because I think I have a different format. 11 SEN. WEST: Okay. It's Section 7, and 12 Section 7(c) and (d). 13 MS. MCGEEHAN: Okay. 14 SEN. DAVIS: Let me know when you get 15 there. 16 MS. MCGEEHAN: Yes. 17 SEN. WEST: Okay. It's my understanding 18 that the election officer that's being referred to in 19 Section (d) is -- is the individual working at the poll. 20 Is that right? 21 MS. MCGEEHAN: Yes. 22 SEN. WEST: Okay. That person will be 23 called upon in Section (d) to determine if the voter's 24 name is on the precinct list of registered voters, and 25 the voter's identity can be verified from the

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<p>465</p> <p>1 documentation presented. Is that correct?</p> <p>2 MS. MCGEEHAN: Yes.</p> <p>3 SEN. WEST: Okay. In advising on that,</p> <p>4 will that be a strict interpretation? Let me -- this is</p> <p>5 what I mean. I think that some of the hypotheticals</p> <p>6 that were provided by Senator Davis may be illustrative</p> <p>7 of what I'm asking. My last name is West, W-e-s-t. And</p> <p>8 say that there's a typographical error where my name is</p> <p>9 spelled W-e-s on the voters' roll, precinct list, and</p> <p>10 then my -- but my identity I'm using my driver's license</p> <p>11 and it has "t" on it. How does a poll -- an election</p> <p>12 officer in that situation resolve that problem?</p> <p>13 MS. MCGEEHAN: That's a good question, and</p> <p>14 I don't think the bill necessarily defines what</p> <p>15 verification --</p> <p>16 SEN. WEST: I know. Senator Fraser said</p> <p>17 I'd have to ask the Secretary of State that question.</p> <p>18 That's why I'm asking you that question.</p> <p>19 MS. MCGEEHAN: I think -- you know, based</p> <p>20 on the way the bill is written now and if we had to</p> <p>21 develop training materials for the poll workers on how</p> <p>22 to implement this, we would look to the best practices</p> <p>23 of the states that have implemented. I heard Indiana</p> <p>24 testify earlier today that they have written some</p> <p>25 guidelines. We'd look to that and try and incorporate</p>	<p>467</p> <p>1 assumed that anybody that is 70 years of age or older</p> <p>2 would not have to provide the photo ID. I think the</p> <p>3 wording is less than perfect. I think that's the</p> <p>4 intent, and I heard Senator Fraser, I think, answer that</p> <p>5 his intent is it would apply. You know, even if a</p> <p>6 person became 70 after January 1, 2012, they could still</p> <p>7 take advantage of this exception.</p> <p>8 SEN. WEST: Okay. But would it be your</p> <p>9 suggestion that we need to reword that language to make</p> <p>10 certain that whether you're there or someone else -- I</p> <p>11 understand that you're here and you heard the</p> <p>12 discussion, but if for some reason you're not in the</p> <p>13 same position you're in right now, there's going to be</p> <p>14 someone else, and they won't have -- they will not have</p> <p>15 had the benefit of this discussion. So, therefore, do</p> <p>16 you think it would be advisory to -- advisory to reword</p> <p>17 that to make certain it's perfectly clear?</p> <p>18 MS. MCGEEHAN: I think so. If people are</p> <p>19 reading it inconsistent, it would probably help it if it</p> <p>20 were.</p> <p>21 SEN. WEST: Okay. Now, a couple of other</p> <p>22 questions. As it relates to the counties, it's my</p> <p>23 understanding that you -- that your agency and maybe</p> <p>24 either yourself or someone working for you put together</p> <p>25 the fiscal note. Is that correct?</p>
<p>466</p> <p>1 the best practices on reasonable methods to verify the</p> <p>2 ID document against the list of registered voters.</p> <p>3 SEN. WEST: Okay. But you would agree</p> <p>4 with me that in interpreting Section (c) and (d) without</p> <p>5 some sort of guidance would lend itself to a great deal</p> <p>6 of subjectivity; thus inconsistent application</p> <p>7 throughout the state?</p> <p>8 MS. MCGEEHAN: It could, yes.</p> <p>9 SEN. WEST: Okay. As it relates to --</p> <p>10 let's see. What page is it on? The next page, which</p> <p>11 will be (h), it's in the same section.</p> <p>12 MS. MCGEEHAN: Okay.</p> <p>13 SEN. WEST: Would you read Section (h) and</p> <p>14 tell me how you interpret that as the chief</p> <p>15 administrator of the election laws in the state of Texas</p> <p>16 next to, needless to say, Secretary of State?</p> <p>17 MS. MCGEEHAN: (h) reads, "The</p> <p>18 requirements for identification prescribed by Subsection</p> <p>19 (b) do not apply to a voter who: (1) presents the</p> <p>20 voter's voter registration certificate on offering to</p> <p>21 vote; and (2) was 70 years of age or older on January 1,</p> <p>22 2012, as indicated by the date of birth on the voter's</p> <p>23 voter registration certificate."</p> <p>24 The way I had -- until earlier this</p> <p>25 afternoon when Senator Ellis asked the question, I had</p>	<p>468</p> <p>1 MS. MCGEEHAN: Yes. Our agency put it --</p> <p>2 I helped.</p> <p>3 SEN. WEST: Okay. Did someone under your</p> <p>4 supervision contact local governments to determine the</p> <p>5 impact, the fiscal impact, that implementation of this</p> <p>6 will have?</p> <p>7 MS. MCGEEHAN: No, we did not.</p> <p>8 SEN. WEST: That was done by someone else?</p> <p>9 MS. MCGEEHAN: I think LBB does that. We</p> <p>10 just -- we just --</p> <p>11 SEN. WEST: Provided the information?</p> <p>12 MS. MCGEEHAN: Yeah. Right.</p> <p>13 SEN. WEST: And based on your experience</p> <p>14 when these types of changes -- let me back up.</p> <p>15 How much experience have you had in this</p> <p>16 particular area, that is, the election laws, in</p> <p>17 administration of election laws?</p> <p>18 MS. MCGEEHAN: I have been working in the</p> <p>19 elections division for 21 years.</p> <p>20 SEN. WEST: So you've had a little</p> <p>21 experience, huh?</p> <p>22 MS. MCGEEHAN: Yes.</p> <p>23 SEN. WEST: Okay. All right. As it</p> <p>24 relates to when changes are made in state law of this</p> <p>25 nature, is there an impact, a fiscal impact, on local</p>

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1 units of governments when they have to make changes to	1 do you -- is there any -- you've read the fiscal note
2 comply with these types of changes or laws that are	2 associated with this bill?
3 being suggested?	3 MS. MCGEEHAN: Yes.
4 MS. MCGEEHAN: I think it really depends	4 SEN. WEST: The \$2 million that's in the
5 on what the change is. You know, if there's a new	5 fiscal note, does any of that go to the county to --
6 mandate for a county or if the county has to do	6 counties in order to implement this legislation?
7 something different, then obviously there would be a	7 MS. MCGEEHAN: No.
8 fiscal impact.	8 SEN. WEST: So any cost that is not
9 SEN. WEST: Well, will -- and, again,	9 covered by the state for counties would be -- have to be
10 drawing on your expertise, will counties have to do	10 borne by the counties. Right?
11 something different to implement this particular law?	11 MS. MCGEEHAN: Yes, yes.
12 MS. MCGEEHAN: They will have to -- they	12 SEN. WEST: Okay. Now, as it relates
13 are going to have to post information on their website	13 to -- is there any way that the Secretary of State's
14 notifying the public what the new photo ID requirements	14 Office can give us -- do an analysis or get with the
15 are.	15 various counties to determine exactly what the fiscal
16 SEN. WEST: Right.	16 impact of implementing this legislation would be?
17 MS. MCGEEHAN: When they issue voter	17 MS. MCGEEHAN: We could -- we could
18 registration certificates, they are going to have to	18 certainly solicit that information from counties and ask
19 mail out -- which they have to mail out every two years	19 them what -- how they see this impacting them fiscally.
20 under current law. The new certificates will have new	20 SEN. WEST: You could do that for each and
21 language, but -- informing voters of the voter ID	21 every one of the counties?
22 requirements, but that should be cost neutral because	22 MS. MCGEEHAN: We can do it.
23 they are already mailing out the voter registration	23 SEN. WEST: Mr. Chairman, I'd like to
24 certificates.	24 request that the Secretary of State's Office provides
25 The piece that I think might have a fiscal	25 the Senate an analysis of -- I shouldn't say an
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1 impact is the training. If the counties have to change	1 analysis -- at least solicit from the various counties
2 up their training procedures much or do more training	2 what the fiscal implication is going to be in order to
3 because they want to make sure the word is out to all	3 implement this bill.
4 their -- that might increase their training costs.	4 CHAIRMAN DUNCAN: Okay. I think, Senator,
5 SEN. WEST: Okay. So there are some	5 that will be an individual request from you, and then it
6 factors that need to be taken into consideration as to	6 can be distributed to all members of the Senate --
7 whether or not counties will be burdened with additional	7 SEN. WEST: Okay.
8 cost to implement this law. Is that correct?	8 CHAIRMAN DUNCAN: -- whenever it's done.
9 MS. MCGEEHAN: Yes.	9 You know, I doubt that that will be done by the time we
10 SEN. WEST: Okay. And would it be a fair	10 rise and report to the Senate.
11 statement to say the larger the county, the more of the	11 SEN. WEST: Okay. We can't get it
12 burden -- of the financial burden -- well, that's not a	12 tonight?
13 fair question.	13 (Laughter)
14 Would it be a fair statement to say that	14 SEN. WEST: I'm just joking with you.
15 the larger the county, the larger the potential	15 CHAIRMAN DUNCAN: You won't be a very
16 financial obligation that they would have to encounter	16 popular guy if the --
17 in order to implement the law?	17 SEN. WEST: I'd like --
18 MS. MCGEEHAN: I think that's true, but I	18 (Laughter)
19 can hear small counties say that it might be	19 SEN. WEST: I'd like to get it as soon as
20 proportional, you know, since their budgets are -- I	20 possible, though.
21 mean --	21 Let's see. No further questions. Thank
22 SEN. WEST: Right. It's all relative to	22 you very much.
23 what your budgets are.	23 MS. MCGEEHAN: Thank you.
24 MS. MCGEEHAN: Yeah.	24 CHAIRMAN DUNCAN: Thank you, Senator West.
25 SEN. WEST: But the fact is that that --	25 Senator Gallegos?

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<p style="text-align: right;">473</p> <p>1 SEN. GALLEGOS: Let me ask you, I don't</p> <p>2 know if you heard my question earlier to Senator Fraser</p> <p>3 and he referred to you or the Secretary of State's</p> <p>4 Office to answer it. My concern was in the fiscal note</p> <p>5 that we ranked number two in the country in population.</p> <p>6 And Missouri ranks number nineteenth, and to implement</p> <p>7 their voter ID program, they came up with -- they only</p> <p>8 have 5.9 million people. We have 25 million. They came</p> <p>9 up with a fiscal note of 6 million in the first year and</p> <p>10 then 4 million in the second year for a total of 10</p> <p>11 million second and third. That's \$10 million. And you</p> <p>12 just -- I think earlier testimony with Senator Davis,</p> <p>13 you said once the 2 million runs out, that's it. Is</p> <p>14 that what you said?</p> <p>15 MS. MCGEEHAN: For -- yeah, the amount of</p> <p>16 money we have for voter education is limited. So when</p> <p>17 that runs out, that's all we have.</p> <p>18 SEN. GALLEGOS: I guess my concern is if</p> <p>19 Missouri only has 5.9 million people, just to implement</p> <p>20 their voter ID program they start with 6 million in the</p> <p>21 first year and 4 million in the second and third year</p> <p>22 for a total of \$10 million, for just 5.9 million folks,</p> <p>23 what are they -- you know, I don't -- what are they</p> <p>24 doing as far as when they are reading the bill? I heard</p> <p>25 that you said you're going by the bill, and that's how</p>	<p style="text-align: right;">475</p> <p>1 is that a true number? I mean, you know, as far as are</p> <p>2 we really doing voter education that should be done, you</p> <p>3 know, on 25 million people as opposed to what Missouri</p> <p>4 is doing with only 5.9? I mean, it just -- I mean, that</p> <p>5 would send up a red flag to me. Wouldn't it you?</p> <p>6 MS. MCGEEHAN: Sure. I would like to</p> <p>7 understand those numbers because they are very</p> <p>8 different.</p> <p>9 SEN. GALLEGOS: You know, I -- if we're</p> <p>10 going to mandate to Texans, you know, and then do it --</p> <p>11 do a good educational program and Missouri is spending</p> <p>12 \$10 million on their folks and we're only spending</p> <p>13 2 million on ours, I'd like to know what the -- what the</p> <p>14 difference is. Are their people better than ours? You</p> <p>15 know, do they deserve, you know, more education? You</p> <p>16 know, I just -- you know, with the population as opposed</p> <p>17 to our population, you know, I don't -- you know, I'm a</p> <p>18 little concerned there. You know, are we cutting our</p> <p>19 folks short? Are we really going to do what you're</p> <p>20 telling us that you're going to do as far as educating</p> <p>21 the public out there on this bill?</p> <p>22 And it just concerns me that, you know, we</p> <p>23 see -- and I haven't even taken a comparison of the</p> <p>24 other states. And we're number two, and Missouri is 19,</p> <p>25 and they are spending 10 million bucks. You know, that</p>
<p style="text-align: right;">474</p> <p>1 you came up with your fiscal note. Is that correct?</p> <p>2 MS. MCGEEHAN: Yes.</p> <p>3 SEN. GALLEGOS: Okay. Well, then what are</p> <p>4 they doing that we're not or, you know, how can you --</p> <p>5 you know, for \$10 million for 5.9 million people and</p> <p>6 we're only going to spend 2 million, I mean, what's the</p> <p>7 difference?</p> <p>8 MS. MCGEEHAN: I am not familiar with the</p> <p>9 Missouri voter identification bill, and I did hear you</p> <p>10 ask that earlier today, but I've been trying to listen</p> <p>11 to all the questions. So we can -- we can research it</p> <p>12 and see. Some states actually provide more to their</p> <p>13 local county governments and print ballots and things</p> <p>14 like that. I don't know if that's the situation in</p> <p>15 Missouri, but I honestly don't know the answer to that</p> <p>16 question because I don't know what the Missouri voter ID</p> <p>17 law requires.</p> <p>18 SEN. GALLEGOS: Well, it's a substantial</p> <p>19 more amount of money than we're looking --</p> <p>20 MS. MCGEEHAN: Yeah.</p> <p>21 SEN. GALLEGOS: -- at the fiscal note that</p> <p>22 you have -- that you've given this committee on Senate</p> <p>23 Bill 14. And I just -- it concerns me that that amount</p> <p>24 of money, if somebody is doing -- in the formula or</p> <p>25 methodology that you came up with that number -- I mean,</p>	<p style="text-align: right;">476</p> <p>1 would concern me, and I would hope it would concern any</p> <p>2 of the other Senators on this floor. Are we, you know,</p> <p>3 really going to do -- in implementing this bill, are we</p> <p>4 going to educate those folks out there?</p> <p>5 Now, you know -- and I'd like that answer.</p> <p>6 I mean, you can't answer it now, I understand, but I</p> <p>7 would like an answer to that.</p> <p>8 MS. MCGEEHAN: We'll get you an answer.</p> <p>9 SEN. GALLEGOS: And a comparison on what</p> <p>10 really your states that have implemented voter ID, how</p> <p>11 much are they paying, you know, to implement the program</p> <p>12 and what they do.</p> <p>13 Now, on the fiscal note, it says you're</p> <p>14 going to do TV and radio and some other things. I mean,</p> <p>15 can you explain to this body the process on TV, or is it</p> <p>16 going to be in different languages, or how are you going</p> <p>17 to -- how are you going to split up the money? Who gets</p> <p>18 the most? You know, I mean, it's not -- it's not</p> <p>19 explained to us in the fiscal note how you're going to</p> <p>20 spread the money around. And is that going to be</p> <p>21 accessible to us or how the process is going to be, or</p> <p>22 how much money are you going to spend in Harris County</p> <p>23 as opposed to Lubbock, Texas or wherever?</p> <p>24 MS. MCGEEHAN: Yes, that would be</p> <p>25 available. And, you know, the programs that we've done</p>

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<p style="text-align: right;">477</p> <p>1 previously, we have detailed records that show, you 2 know, where the media ran, and so we would -- that would 3 be a part of any program going future. 4 The way -- the way it has worked thus far, 5 the three statewide voter education programs that we 6 have done, is we've gone out for bid for a public 7 education firm. And then the first thing that firm does 8 is research, and they meet with stakeholders, and then 9 they craft the creative proposal. And then they turn 10 that into the actual media and do the media buys for TV, 11 radio and cycle, Internet and also print. 12 For the PSAs -- and I'm not the expert on 13 this -- but I understand that we pay for a certain 14 amount, and then we get some earned credit where TV 15 stations will run them for free. If you pay them, you 16 know, to run it once, they'll run it three times and 17 only charge you for once, something along those lines. 18 SEN. GALLEGOS: And is that going to be -- 19 is there going to be access as far as different 20 languages in than budget? 21 MS. MCGEEHAN: Oh, yes. We -- our current 22 programs are in English and in Spanish, and in Harris 23 County, we've had a component for Vietnamese. 24 SEN. GALLEGOS: Okay. Now, on Page 2 of 25 the bill under what y'all are going to do under voter --</p>	<p style="text-align: right;">479</p> <p>1 send that out to the counties, and then they'll have to 2 post it on their website. 3 Now, in light of the fiscal 4 circumstances -- and Senator West has asked us to do a 5 survey -- we'll probably get some very detailed 6 information, you know, as far as the counties' fiscal 7 circumstances, if they are going to have to take down 8 their websites or, you know, where they are going to 9 have to cut. 10 SEN. GALLEGOS: Well, you know, with all 11 due respect, I mean, we can presume a lot of things, and 12 I could presume a lot of things, you know, just on 13 anything, but I can tell you right now -- I'm not 14 presuming -- I know that they're laying off in Harris 15 County right now. That's not a presumption. That's a 16 fact; that's a fact. And they're also furloughing in 17 the City of Houston. 18 So, I mean, it just concerns me that this 19 section here that says you're going to work hand-in-hand 20 with each registrar in each county, and if those 21 counties are already going through a budget shortfall 22 like we are, then how can you presume that they're going 23 to have -- I'm just saying that this bill presumes that 24 they're going to have a website and they're going to 25 have people to handle the education.</p>
<p style="text-align: right;">478</p> <p>1 under 31.012, Voter Identification, Senator West brought 2 it up about -- it says here you and -- your office and 3 the voter registrar of each county that maintains it 4 shall provide notice of the ID requirements as 5 prescribed by this change. 6 Now, my concern there is, is at the county 7 level -- you know, I think Senator West brought it up -- 8 is how much is going to be incumbent on each county, you 9 know? I and others here on this floor represent the 10 largest county, Harris County, and Harris County is 11 already starting to lay off, and they have a shortfall, 12 and they are laying off as we speak right now. So, you 13 know -- and I see what it says in the bill, you know, 14 that you're going to get together with them. I mean, 15 are they going to have the money? Or where is the -- if 16 they don't have the money, where is the other money 17 going to come from? Other than the 2 million you 18 already have prescribed here and any federal matches 19 that come in, where is that money going to come if those 20 counties cannot provide? 21 MS. MCGEEHAN: I think that the bill 22 presumes that counties have a website, and so this 23 requirement is that they post, you know, the information 24 about the new photo ID requirements that the Secretary 25 of State's Office will actually prescribe. So we will</p>	<p style="text-align: right;">480</p> <p>1 You can't presume anything if they're 2 laying off right now as we speak, and that's a fact. 3 Like I said, that's not a presumption. That concerns 4 me. And what I'm asking is that if that can't happen in 5 Harris County or any other county in this state, where 6 is the extra money? If they don't have, obviously, the 7 funds to provide what is prescribed under Senate Bill 8 14, where is that money going to come from? 9 MS. MCGEEHAN: Well, you know, Senate Bill 10 14 doesn't make an appropriation to the county, so I 11 don't know the answer to your question on that because, 12 like I said, the bill -- I think the assumption is that 13 counties have a website. So if they're not going to 14 have a website -- 15 SEN. GALLEGOS: But the bill prescribes 16 that you will work in conjunction with the county 17 registrar. Is that what I'm reading -- 18 MS. MCGEEHAN: Yes. 19 SEN. GALLEGOS: -- or am I reading the 20 wrong bill? 21 MS. MCGEEHAN: Maybe I'm not -- the way I 22 read that was that we would provide them the wording, 23 the language that they would put up on their website. 24 SEN. GALLEGOS: Well, you're going to 25 provide them with that. But what about the bodies and</p>

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<p style="text-align: right;">481</p> <p>1 any other education that's prescribed by this bill? If 2 they don't have the bodies -- they're laying off bodies 3 right now. 4 MS. MCGEEHAN: Yes. 5 SEN. GALLEGOS: Okay. And you see where 6 I'm going here? 7 MS. MCGEEHAN: No, I understand. 8 SEN. GALLEGOS: And if you provided a 9 fiscal note, you know, that we're going by and that's on 10 every website in the State of Texas, everybody that has 11 a computer, then really what I'm asking you, is this a 12 true fiscal note or is it misleading to the voters out 13 there, that it's going to cost more than what you're 14 showing here if other counties are having budget 15 shortfalls like we are? 16 MS. MCGEEHAN: Well, when we're asked to 17 submit a fiscal note to LBB, they want to know what the 18 state impact is. So generally we don't solicit what the 19 impact is to local government. And I'm not exactly sure 20 who within LBB does that, if that's LBB or the 21 Comptroller. But I can tell you -- and maybe we've been 22 doing them wrong, but the way we've understood our 23 requirement in responding to a fiscal note request was 24 to state what the state impact was. It's specifically 25 for the agent -- you know, like for our agency for the</p>	<p style="text-align: right;">483</p> <p>1 LBB -- you know, what their process is. I don't really 2 know. 3 SEN. GALLEGOS: All right. Then let me 4 rephrase my question. 5 MS. MCGEEHAN: Okay. 6 SEN. GALLEGOS: So the \$2 million that 7 you're showing is what the state is going to be 8 impacted. And the language that is showing you're going 9 to work in conjunction with the counties, you know, you 10 cannot speak to that, so we really don't know. Is that 11 what you're saying? It could or could not be impacted 12 for a million, two million, three million, whatever the 13 number. I don't know the numbers that you gave Bexar 14 County and Tarrant County. I have not been privy to 15 those numbers. But what I'm saying is, I really would 16 like to know that if my county is going to be impacted, 17 if at all, it's going to be in here, you know. Do you 18 see what I'm saying? 19 MS. MCGEEHAN: Well, yes, I understand 20 what you're saying. And we are going to be sending out 21 a survey to try and gather that data from all the 22 counties. 23 SEN. GALLEGOS: You know, I don't like the 24 mandate to my county, something that this bill said that 25 they will do and then find out that they don't have the</p>
<p style="text-align: right;">482</p> <p>1 Secretary of State's office. 2 SEN. GALLEGOS: Okay. So what you're 3 telling me is that outside of the \$2 million that's in 4 the fiscal note and that under this section that you're 5 going to work with the registrar in each county, then we 6 just have to roll the dice and hope that the money is 7 there. Is that what you're telling me? 8 MS. MCGEEHAN: Well, I think this fiscal 9 note that LBB did put -- does indicate that there may be 10 some county costs. You know, they did put some numbers 11 in for Tarrant County and for Bexar County. So, you 12 know, it's not -- I don't think it's the number you're 13 looking for. It's not a comprehensive number, but I 14 think that the fiscal note does indicate that there may 15 be a fiscal impact on counties. 16 SEN. GALLEGOS: There may be a fiscal 17 impact. You don't know how much? 18 MS. MCGEEHAN: No, I don't. 19 SEN. GALLEGOS: So what we're looking at 20 in your fiscal note is just an open-ended fiscal note. 21 Is that what you're telling me? 22 MS. MCGEEHAN: The fiscal note is really 23 showing the impact on the Secretary of State's office. 24 I can't really speak to how the portion of the fiscal 25 note that concerns impact on local government, how</p>	<p style="text-align: right;">484</p> <p>1 funds to do it. You know, to me, that's an unfunded 2 mandate in really telling Texans that are looking at 3 this debate on computer and that are looking at this 4 bill online, that this \$2 million fiscal note that 5 you've provided is only an impact to the state, not the 6 counties, not each county. Is that correct? 7 MS. MCGEEHAN: That's correct. 8 SEN. GALLEGOS: Okay. Thank you very 9 much. 10 CHAIRMAN DUNCAN: Thank you, Senator 11 Gallegos. 12 Senator Van de Putte. 13 SEN. VAN de PUTTE: Thank you, 14 Mr. Chairman. 15 Ms. McGeehan, you've been an excellent 16 resource witness for us, and there are just two 17 questions that I need to ask to get into the record with 18 regard to a survey. 19 Does Texas participate in the Election 20 Administration and Voting Survey? 21 MS. MCGEEHAN: Yes. 22 SEN. VAN de PUTTE: When was this survey 23 completed, the last survey was completed? Was it after 24 the 2008 election? 25 MS. MCGEEHAN: Yes.</p>

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<p style="text-align: right;">485</p> <p>1 SEN. VAN de PUTTE: So we have that survey 2 available? 3 MS. MCGEEHAN: Yes. 4 SEN. VAN de PUTTE: Okay. The question 5 that I have goes to the data on the survey that goes, I 6 think, to all -- and this is the federal commission -- 7 dealing with the number of provisional ballots in the 8 State of Texas. As far as you know, how do we rank in 9 the number of provisional ballots that are used with 10 regard to our voting population? 11 MS. MCGEEHAN: My general recollection is 12 that as far as the total number cast, we're on the lower 13 end. But as far as the number of provisional votes, 14 meaning that not as many people cast a provisional vote 15 in Texas as in some other states, but as far as the 16 number of provisional ballots that are counted -- 17 SEN. VAN de PUTTE: Yes. 18 MS. MCGEEHAN: -- we have one of the lower 19 rates among the states as to the number of provisional 20 ballots that are counted. It is my understanding that 21 in the state chart, that we have very high rejection 22 provisional ballot rates. So, in other words, even 23 right now under this system that we have, that the 24 number of provisional ballots that are cast, we have 25 some of the highest rejection rates for those</p>	<p style="text-align: right;">487</p> <p>1 very broad discretion, assuming that the HAVA people 2 approve the using of this. 3 The \$3 million that you're talking about 4 in voter education, it doesn't necessarily mean that 5 it's three plus two. It's possible that there's an 6 overlap, that this two million could be folded in -- 7 possibly into the three. But that discretion goes back 8 to the Secretary and they make a determination. Is that 9 not true? 10 MS. MCGEEHAN: That's exactly right. 11 SEN. FRASER: The other thing that I want 12 to clarify that there is a lot of discussion about, what 13 expense might go to Houston or what expense might go to 14 Bexar. Right now there is not clear, because I think 15 there's a lot of discussion going on of whether is that 16 Bexar expense or is that Secretary of State expense? 17 And we've got to determine what those 18 dollars are being spent on. Can we use Secretary of 19 State dollars and HAVA funds for that? So I think we're 20 premature of a county saying they've got "X" amount of 21 expenses, because it's possible that some of those 22 expenses flow from the Secretary of State's office, they 23 do not flow to the county, and they could handle that 24 with available people within the county and budget. Is 25 that not correct?</p>
<p style="text-align: right;">486</p> <p>1 provisional ballots in all of the country. 2 MS. MCGEEHAN: Yes. 3 SEN. VAN de PUTTE: At least that's what I 4 understand from the report. 5 MS. MCGEEHAN: That's correct. 6 SEN. VAN de PUTTE: Thank you. I know 7 that we have the datasets that were put in for 2008, and 8 so hopefully that we will be able to get this and make 9 sure that as we monitor the bill as it progresses and 10 the bill as it's implemented, we certainly don't need to 11 get to the bottom of the bottom of the bottom on 12 rejection of provisional ballots. 13 Thank you. 14 CHAIRMAN DUNCAN: Thank you, Senator Van 15 de Putte. 16 Senator Fraser. 17 SEN. FRASER: Thanks for being here today 18 and waiting all day. 19 I would like to clarify a point before you 20 sit down. I think you're aware this morning that we had 21 entered into a record -- the Secretary of State had a 22 letter addressing the \$2 million in the HAVA funds that 23 was put into the record. Our understanding, from 24 talking to the Secretary, the way the HAVA funds work, 25 and also her relationship with the county, that she has</p>	<p style="text-align: right;">488</p> <p>1 MS. MCGEEHAN: That's correct. And just 2 an example of that, the cost that Bexar county put in 3 the fiscal note was -- I think their assumption was that 4 the certificate, the voter registration certificate 5 would have to increase in size. And I don't see 6 anything in the bill that requires that. And the 7 Secretary of State prescribes the form. So once that's 8 explained to the county, they might withdraw that 9 fiscal -- 10 SEN. FRASER: I want to make sure that 11 that's clear, is that some of these assumptions are 12 possibly the-sky-is-falling assumptions that this is -- 13 you know, this expense is going to be put on us, and I 14 don't think that's been discussed. And some of this, I 15 think, can be done by ruling of the Secretary of State, 16 directing them. And there is a real good chance that a 17 lot of these expenses go away that can be absorbed 18 through the Secretary of State. And that is correct, 19 isn't it? 20 MS. MCGEEHAN: Yes. 21 SEN. FRASER: Okay. I wanted to clear 22 that up. Thank you so much. 23 CHAIRMAN DUNCAN: The Chair recognizes 24 Senator Williams. 25 SEN. WILLIAMS: Thank you, Mr. Chairman.</p>

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<p style="text-align: right;">489</p> <p>1 Ms. McGeehan, I want to add my thanks for 2 you hanging in here with us all day. There's about 3 three things that I would like to clear up with you. I 4 just want to understand unequivocally, HAVA funds can be 5 spent for things like training poll workers. Is that 6 correct? 7 MS. MCGEEHAN: Yes. 8 SEN. WILLIAMS: Okay. Thank you. Then 9 are you familiar with the voter ID bill that went 10 into -- in Utah recently? Have you taken a look at 11 that? 12 MS. MCGEEHAN: No, I have not looked at 13 that. 14 SEN. WILLIAMS: Okay. I just think it's 15 noteworthy, in light of Senator Van de Putte's comments, 16 because the Salt Lake County Clerk's office -- I've got 17 a news report here -- it's confirmed that there were 18 only 13 cases of voters having to pick up their 19 provisional ballots because they didn't have the proper 20 identification to vote when they put this new law into 21 effect. So it seems like it's had a great -- again, one 22 more state where the impact has been really minimal. 23 I'm not sure why we're having these other issues, but I 24 don't think its because of this. 25 And then finally I wanted to ask you, we</p>	<p style="text-align: right;">491</p> <p>1 for you-all and the Secretary of State's office to take 2 that direction and know that that's something that we 3 wanted to have done in your training plans and voter 4 education plans? 5 MS. MCGEEHAN: Yes. I think if there were 6 a statement of legislative intent, we would certainly 7 follow that. 8 SEN. WILLIAMS: That would be sufficient. 9 Okay. Thank you very much. Appreciate your help. 10 CHAIRMAN DUNCAN: All right. Members, are 11 there any other questions of Ms. McGeehan? 12 Okay. The Chair hears none. Thank you, 13 Ms. McGeehan. 14 The Chair calls David Maxwell, Deputy 15 Director of Law Enforcement, Texas Attorney General's 16 Office. 17 Mr. Maxwell, would you approach and state 18 your name and who you represent, and then we'll open it 19 up for questions. 20 TESTIMONY BY DAVID MAXWELL 21 MR. MAXWELL: I have a written statement 22 that I would like to put into the record, sir. 23 CHAIRMAN DUNCAN: Well, we haven't been 24 doing that. 25 MR. MAXWELL: Okay.</p>
<p style="text-align: right;">490</p> <p>1 had talked earlier about the project that I asked you to 2 do, to cross-reference the driver's licenses and the 3 voter registration. How is that coming along? I know I 4 only asked today, but I just -- 5 MS. MCGEEHAN: Yes. 6 SEN. WILLIAMS: -- but what is a 7 reasonable expectation for us to get that information? 8 MS. MCGEEHAN: I would hope by the end of 9 the week. One thing that our IT folks and our election 10 experts are trying to struggle with is like matching 11 criteria -- 12 SEN. WILLIAMS: Right. 13 MS. MCGEEHAN: -- you know, which we won't 14 have a TLD number, so we're working through some of 15 that. But I would expect by the end of the week we 16 would have it, if not earlier. 17 SEN. WILLIAMS: Okay. So do you need any 18 further direction from us? For instance, if we wanted 19 to target that universe of people that we know are out 20 there and maybe make a little extra effort to make sure 21 that they understood they were going to have a new 22 requirement when they went to vote as far as getting a 23 photo ID, if they didn't already have one -- and we've 24 identified who they are -- if we gave legislative intent 25 as a part of the bill tomorrow, would that be sufficient</p>	<p style="text-align: right;">492</p> <p>1 CHAIRMAN DUNCAN: If you would just go 2 ahead and -- 3 SEN. WEST: Mr. Chairman? 4 CHAIRMAN DUNCAN: We'll see. There is a 5 proper way to get that in. And if -- 6 MR. MAXWELL: My name is David Maxwell. 7 I'm a resource witness. 8 CHAIRMAN DUNCAN: Would you state your 9 name and who you represent. 10 SEN. WEST: Mr. Chairman? 11 CHAIRMAN DUNCAN: Just let him state his 12 name, and then I'll take your inquiry. 13 Mr. Maxwell. 14 MR. MAXWELL: My name is David Maxwell. 15 I'm the Deputy Director of Law Enforcement for the Texas 16 Attorney General's office. 17 CHAIRMAN DUNCAN: All right. Senator 18 West, for what purpose? 19 SEN. WEST: Mr. Chairman, I would like to 20 introduce an exhibit. I think it's Exhibit 10. 21 CHAIRMAN DUNCAN: Oh, okay. Exhibit 10. 22 Do we have Exhibit 10 up here? Do you have copies ready 23 for distribution? 24 SEN. WEST: Yes, I think you have the 25 exhibit up there. And, members, what Exhibit 10 is, is</p>

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1 a letter from the members of the Congressional 2 delegation: Sheila Jackson Lee, Eddie Bernice Johnson, 3 Charlie Gonzalez, Lloyd Doggett, Gene Green, Rubén 4 Hinojosa, Sylvestre Reyes and Al Green, asking that 5 we -- opposing Senate Bill 14 and stating the reasons 6 why they oppose Senate Bill 14. 7 So I would introduce that into the record. 8 CHAIRMAN DUNCAN: Members, any objections? 9 The Chair hears none. It will be received 10 in the record. 11 (Exhibit No. 10 marked and admitted) 12 CHAIRMAN DUNCAN: Okay. Are there any 13 questions for Mr. Maxwell? 14 All right. 15 The Chair hears none. 16 (Off-the-record discussion) 17 CHAIRMAN DUNCAN: All right. Are there 18 any questions of Mr. Maxwell? 19 (Brief pause) 20 CHAIRMAN DUNCAN: All right. The Chair 21 hears none. 22 Thank you, Mr. Maxwell. Appreciate you. 23 24 25	1 anything in the record that was -- you know -- 2 SEN. VAN de PUTTE: Mr. Chairman, may I be 3 allowed to enter into the record the statement prepared 4 and presented by Lydia Camarillo, Southwest Voter 5 Registration Education Project Vice President? 6 CHAIRMAN DUNCAN: As exhibit what? Number 7 what? Be number 11? 8 SEN. VAN de PUTTE: No. 11. 9 CHAIRMAN DUNCAN: Is there any objection? 10 The Chair hears none. It will be 11 received. 12 (Exhibit No. 11 marked and admitted) 13 CHAIRMAN DUNCAN: Okay. And while our 14 first five public witnesses will be approaching, let me 15 go ahead and announce the names of the next five 16 witnesses. 17 Catherine Engelbrecht, Carol Kitson, 18 Placido Salazar, Roman Pena and Rosa Rosales. 19 Okay. If you'll approach. The first 20 witness that we have is -- I don't have those cards -- 21 here we go -- witnesses and panel of -- you will have 22 three minutes. You'll get a -- I guess a 30-second 23 warning, is a yellow light, that it comes on. We will 24 not interrupt you. And then after you're finished, then 25 the members may ask you questions.
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1 PUBLIC TESTIMONY 2 CHAIRMAN DUNCAN: Okay. We are now ready 3 to go into the public witness phase of the hearing 4 today. According to our pre-set procedure, I'll call 5 the names of the first five witnesses and they will be 6 brought down to the Senate floor, and then we'll call 7 them in their order. 8 First is John Patrick, Anita Pruitt, 9 Jessica Gomez, Terri Burke, and Clifford Gay. 10 (Brief pause) 11 SEN. VAN de PUTTE: Mr. Chairman? 12 CHAIRMAN DUNCAN: Yes. 13 SEN. VAN de PUTTE: Inquiry, Mr. Chairman. 14 I have a statement here from one of our constituents 15 representing the Southwest Voter Registration Education 16 Project to put into the record. What appropriate time 17 would you accept this or would it be appropriate to put 18 this into the record? This is someone who wants to put 19 something into the record but is not here to testify. 20 CHAIRMAN DUNCAN: It can go in at your 21 request as a part of the record. But it's not a sworn 22 statement. Is that correct? 23 SEN. VAN de PUTTE: That's correct. 24 CHAIRMAN DUNCAN: I think the process that 25 we discussed earlier on was that any senator could put	1 All right. Go ahead and approach the 2 bench, Mr. Patrick. State your name and who you 3 represent. 4 TESTIMONY BY JOHN PATRICK 5 MR. PATRICK: My name is John Patrick. 6 I'm the Secretary-Treasurer of the Texas AFL-CIO. 7 Members of the Senate, Mr. Chairman, as an 8 officer of the Texas AFL-CIO, I talk to workers we 9 represent around the state. Those employees include 10 refinery workers, teachers, plumbers, nurses, 11 steelworkers, theatrical workers, correctional officers, 12 firefighters, flight attendants, state workers, rubber 13 workers and countless other trades and professions. 14 From my experience at this point in time, three issues 15 concern our Texas union members above all others. 16 First, jobs; second, jobs; third, jobs. Quite frankly, 17 from my perspective and from the perspective of the 18 AFL-CIO, jobs should be the emergency issue before this 19 legislative session, not the voter ID bill. 20 Senate Bill 14 will be the first bill 21 considered by a committee in the Texas Senate during 22 this legislative session. The Governor has designated 23 this bill as an emergency item. Unfortunately, I'm not 24 aware of any mention of the word "jobs" or "employment" 25 in Senate Bill 14. Senate Bill 14 would no longer allow

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<p style="text-align: right;">497</p> <p>1 someone to vote with a voter registration certificate 2 alone but would require an official photo ID. The 3 stated reason for the issue is alleged voter fraud. 4 Thousands of education employees around 5 this state, as well as state employees and other local 6 government employees, are concerned about budget cuts 7 being considered by this state legislature. Those 8 individuals would prefer that this body consider 9 legislation that addresses our budgetary concerns rather 10 than debating voters' photos. 11 Thousands of private sector employees are 12 also concerned about jobs, as well they should be. 13 Rather than obsessing about voters' photos, they would 14 probably prefer that you consider legislation that 15 establishes a preference for state and local governments 16 to buy American products and services. 17 CHAIRMAN DUNCAN: Thank you, Mr. Patrick. 18 Your time has expired. 19 Members, are there any questions of the 20 witness? 21 All right. The Chair hears none. 22 We appreciate your appearance. 23 The Chair calls Anita Pruitt -- or 24 "Privitt." 25 Ms. Pruitt.</p>	<p style="text-align: right;">499</p> <p>1 voting when they don't understand the process. SB 14 2 would add uncertainties for voters and for election 3 workers. The bill would make it more difficult for many 4 legitimate voters to cast a ballot and tend to 5 discourage many more legitimate voters from even going 6 to the polls. 7 Student voters would be among those 8 adversely affected. Many students registered to vote in 9 Texas or eligible to register to vote under Texas law 10 might not have any of the voter IDs specified for SB 14. 11 Those who register to vote where they attend school may 12 fear that they will be turned away at the polls because 13 their documents don't match. 14 In a few years we will celebrate the 50th 15 anniversary of landmark civil rights legislation. Now 16 we wonder how it could be so hard to have gotten that 17 legislation passed. I'm wondering now, if we pass this 18 legislation in Texas, how future generations will look 19 back at us. Will they wonder why we did this or was it 20 a legitimate thing that we did? 21 The League of Women Voters of Texas 22 believes that this legislation is a backwards step, and 23 we ask you to oppose it. 24 CHAIRMAN DUNCAN: Thank you, Ms. Pruitt. 25 Are there any questions of Ms. Pruitt?</p>
<p style="text-align: right;">498</p> <p>1 TESTIMONY BY ANITA PRUITT 2 MS. PRUITT: I'm Anita Pruitt. I 3 represent the League of Women Voters of Texas. 4 For the 90-plus years since women gained 5 the right to vote nationally, LMV has educated and 6 agitated for active, informed participation of all 7 citizens in government. No form of participation is 8 more important than voting. We oppose any requirement 9 that imposes needless difficulties on voters or tends to 10 discourage legitimate voters from going to the polls and 11 casting a ballot. 12 Texas voters know that identification is 13 already required. To close what is characterized as a 14 potential loophole for fraud, SB 14 would restrict 15 acceptable identification a voter must present to a 16 limited list of photo IDs and provide for criminal 17 penalties. The real voting problem in Texas is not 18 potential voter impersonation but low voter turnout. 19 Texas was 46th among the states in turnout of the voter- 20 eligible population for 2008 and 50th for the 2010 21 general election. No state had a lower turnout. 22 In each election cycle, League of Women 23 Voters fields hundreds of questions from voters around 24 the state. These questions show that Texas voters are 25 often confused about requirements and discouraged from</p>	<p style="text-align: right;">500</p> <p>1 All right. The Chair hears none. 2 We appreciate your appearance here today. 3 The Chair calls Jessica Gomez. 4 Please state your name and who you 5 represent. 6 TESTIMONY BY JESSICA GOMEZ 7 MS. GOMEZ: Thank you, Mr. Chairman. My 8 name is Jessica Gomez, and I'm here as a voting rights 9 specialist with Advocacy Incorporated, the protection 10 and advocacy system for people with disabilities in the 11 State of Texas. 12 I'm here today testifying in opposition on 13 behalf of Advocacy Incorporated, as well as the 14 Disability Policy Consortium, because of the large and 15 onerous burdens Senate Bill 14 would place on the number 16 of Texans with disabilities that do not have the photo 17 identification required by this bill. 18 An estimated 10 percent of people with 19 disabilities do not have photo identification. In 20 Texas, that equals 257,800 voting age persons with 21 disabilities who do not have the photo identification 22 required by this bill. People with disabilities are 23 less likely to have photo ID because many do not drive 24 and rely on others to assist them with activities such 25 as banking, that requires photo ID.</p>

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<p>1 I will not go through all of the burdens</p> <p>2 upon people with disabilities to obtain an ID, since my</p> <p>3 colleague, Chase Bearden, already outlined those for</p> <p>4 you. But I did want to urge all of you to consider an</p> <p>5 exemption for people with disabilities in the State of</p> <p>6 Texas who do not have an ID.</p> <p>7 And this bill will likely pass, in light</p> <p>8 of the burdens that it places on people with</p> <p>9 disabilities. I would urge you all to consider</p> <p>10 throughout this session other ways that you might ease</p> <p>11 the voting process for people with disabilities. For</p> <p>12 instance, a permanent mail-in ballot application,</p> <p>13 enforcement of the National Voter Registration Act which</p> <p>14 requires all state agencies, not just the Department of</p> <p>15 Public Safety, to offer voter registration</p> <p>16 opportunities, and expansion of the number of people a</p> <p>17 person can assist in filing a late ballot on the basis</p> <p>18 of a disability.</p> <p>19 I stand ready to assist all of your</p> <p>20 offices in thinking about the ways that this bill might</p> <p>21 impact people with disabilities and ways that it can be</p> <p>22 revised to benefit them.</p> <p>23 Thank you.</p> <p>24 CHAIRMAN DUNCAN: Thank you, Ms. Gomez.</p> <p>25 Are there any questions for the witness?</p>	<p>1 lie on that affidavit.</p> <p>2 To further secure that process, you could</p> <p>3 also require a fingerprint so that if that person did</p> <p>4 vote fraudulently and then another person, the real</p> <p>5 voter came in, you could run the fingerprints and</p> <p>6 prosecute the original voter.</p> <p>7 I would not support any amendments that</p> <p>8 would require verification of the disability status,</p> <p>9 because that would just again place another burden on</p> <p>10 people with disabilities to prove their status in order</p> <p>11 to vote.</p> <p>12 SEN. ZAFFIRINI: It would also add an</p> <p>13 expense, wouldn't it?</p> <p>14 MS. GOMEZ: Sorry?</p> <p>15 SEN. ZAFFIRINI: It would also add an</p> <p>16 expense?</p> <p>17 MS. GOMEZ: Absolutely. And for many of</p> <p>18 the reasons that Mr. Bearden outlined in his testimony,</p> <p>19 because of the expenses of traveling and obtaining the</p> <p>20 necessary documentation.</p> <p>21 SEN. ZAFFIRINI: Well, how do you respond</p> <p>22 to the person who will say, well, persons with</p> <p>23 disabilities don't have to drive or get a ride to a</p> <p>24 driver's license office or to DPS in particular, the</p> <p>25 agency itself, to get a voter -- I mean, a photo ID,</p>
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<p>1 All right. The Chair hears none.</p> <p>2 We appreciate your appearance here today.</p> <p>3 Oh, I'm sorry, Senator Zaffirini. I</p> <p>4 didn't see it.</p> <p>5 QUESTIONS FROM SENATE FLOOR</p> <p>6 SEN. ZAFFIRINI: That's all right. Thank</p> <p>7 you, Mr. Chairman.</p> <p>8 Thank you so much for your testimony. Did</p> <p>9 you hear Mr. Bearden's testimony earlier?</p> <p>10 MS. GOMEZ: Yes, ma'am, I did.</p> <p>11 SEN. ZAFFIRINI: And you heard my question</p> <p>12 when I asked him if he had specific amendments for this</p> <p>13 particular bill that would help us cure it and make it</p> <p>14 more positive, have a positive impact on persons with</p> <p>15 disabilities who want to vote?</p> <p>16 MS. GOMEZ: Yes, I did.</p> <p>17 SEN. ZAFFIRINI: Do you have additional</p> <p>18 suggestions or only the suggestions that you just</p> <p>19 articulated?</p> <p>20 MS. GOMEZ: Well, those are suggestions</p> <p>21 that would be in addition to this bill. These would be</p> <p>22 separate bills filed by senators. In terms of an</p> <p>23 exemption or an amendment for this bill, I would suggest</p> <p>24 an affidavit that people with disabilities could sign</p> <p>25 that would provide criminal penalties if they were to</p>	<p>1 they can simply register on-line? How do you respond to</p> <p>2 that suggestion?</p> <p>3 MS. GOMEZ: I don't believe that there is</p> <p>4 a process to make that readily available. And, in</p> <p>5 addition, there is such a high number of people with low</p> <p>6 income who have disabilities that many of them might not</p> <p>7 have access to computer or the Internet that would be</p> <p>8 required to do that on-line.</p> <p>9 SEN. ZAFFIRINI: So you would worry about</p> <p>10 a digital divide for persons with disabilities?</p> <p>11 MS. GOMEZ: Absolutely.</p> <p>12 SEN. ZAFFIRINI: Okay. Thank you very</p> <p>13 much.</p> <p>14 MS. GOMEZ: Thank you.</p> <p>15 CHAIRMAN DUNCAN: Thank you, Senator</p> <p>16 Zaffirini.</p> <p>17 Are there any other questions of</p> <p>18 Ms. Gomez?</p> <p>19 The Chair hears none.</p> <p>20 Thank you very much.</p> <p>21 The Chair calls Terri Burke.</p> <p>22 TESTIMONY BY TERRI BURKE</p> <p>23 MS. BURKE: Good evening, senators. I'm</p> <p>24 Terri Burke. I'm the Executive Director of the ACLU of</p> <p>25 Texas.</p>

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<p>505</p> <p>1 I'm here to talk about SB 14 in the 2 context of provisional ballots. But I want to be 3 certain you know that we believe that Texas is overdue 4 for an overhaul of its election law, and we would 5 certainly support a comprehensive look at that. 6 More than two years ago, Attorney General 7 Abbott pledged to root out what he called an epidemic of 8 voter fraud in Texas. He established a special unit in 9 his office. He tapped \$1.4 million in federal crime- 10 fighting grant money and dispatched legislators -- 11 "legislators" -- yes, maybe that, too -- investigators. 12 In '08, the last time we heard about this, General 13 Abbott had prosecuted 26 cases, all involving blacks or 14 Hispanics. All were committed by absentee ballot, not 15 in-person voting. So how would photo voter ID have 16 addressed those lives? SB 14 is still as it was in '09. 17 It is still a solution in search of a problem. 18 Provisional ballots are one of the 19 legislative priorities of the ACLU of Texas this 20 session. We believe that these ballots were developed 21 to give the opportunities to voters to cast a 22 provisional ballot. They were envisioned as fail-safe 23 voting protection for the voter to remedy faulty voter 24 lists. What we're discovered in researching those in 25 Texas is that we have an extremely high rate of ballot</p>	<p>507</p> <p>1 Esparza, Marcelo Tafoya, Barbara Baxter, Hector M. 2 Flores and Sergio Castillo. 3 All right. Our next witness is Catherine 4 Engelbrecht. 5 Ms. Engelbrecht, state your name and who 6 you represent. 7 TESTIMONY BY CATHERINE ENGELBRECHT 8 MS. ENGELBRECHT: Hi. My name is 9 Catherine Engelbrecht. I'm with King Street Patriots 10 and True the Vote. Thank you-all, senators, for the 11 privilege of being able to speak with you this evening. 12 I stand before you today to testify in 13 support of Senate Bill 14. I'm President of King Street 14 Patriots, and I said earlier True the Vote, two 15 non-profit groups, both based out of Houston. King 16 Street Patriots is a volunteer organization of concerned 17 citizens, and True the Vote is a citizen-led initiative 18 to protect the right to vote and the integrity of the 19 election process. 20 True the Vote volunteers work to educate 21 citizens and train other citizen volunteers to be poll 22 workers and poll watchers for their party, candidate or 23 issue. Now, the reason that that is important is 24 because in the last election cycle, we put out trained 25 volunteers over 1,000 volunteers. And through the</p>
<p>506</p> <p>1 rejections. The average rate of rejection nationally is 2 20 percent; yet, in Texas, it's nearly 80 percent of the 3 provisional ballots cast, as least in the '08 election. 4 In other words, 42,000 Texas voters who cast provisional 5 ballots in 2008 saw most of those were not accepted. 6 9,400 were counted. 7 If passed, SB 14 will no doubt increase 8 the number of provisional ballots that are cast at the 9 polls and also will increase the number of votes that 10 are rejected, due to new identification requirements. 11 This bill would cost more Texas voters their legitimate 12 right to vote. 32,000 Texas voters were rejected in 13 2008. That so many were rejected is a threat to our 14 representative democracy. Texas ranked, as you've 15 heard, 50th in registered voter turnout for 2010. We 16 cannot continue placing undue burdens on eligible voters 17 and keep a healthy democracy. 18 Thank you for your attention and thank you 19 for what you're doing for the State of Texas. 20 CHAIRMAN DUNCAN: Thank you, Ms. Burke. 21 Are there any questions for Ms. Burke? 22 Okay. The Chair hears none. We 23 appreciate your appearance here today. 24 All right. The next group of persons who 25 will need to be called into the chamber are Alfredo</p>	<p>508</p> <p>1 course of the election cycle, they turned back in over 2 700 what we call incident reports. Those incident 3 reports categorically were indications of election laws 4 being broken. But many of the abuses stemmed from the 5 lax and ambiguous forms of identification currently 6 accepted at our polls. 7 These types of abuses would have been 8 mitigated had we had benefit of legislation like SB 14. 9 We witnessed numerous instances in which voters were in 10 possession of more than one registration card. For 11 example, a voter came in with a registration card and 12 turned it over to the election judge, who looked at the 13 poll book and said, "Oh, I'm sorry. You're already 14 voted." And he reached into his other pocket and said, 15 "Oh, well, how about this card?" 16 "That's a good card. You can vote that 17 one." 18 Another instance where a woman came in to 19 vote and was told she had already voted. And she said, 20 "Well, that's not the case. I haven't." And she looked 21 at the poll book and there was staring back at her a 22 signature that she did not recognize. 23 Without photo identification, there is no 24 way to verify that a person is who they say they are, if 25 they are that person on the registration card, a utility</p>

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1 bill or the check. These examples are clearly	1 all of you.
2 violations of election code law, but there is no	2 CHAIRMAN DUNCAN: Hold on a minute. We've
3 realtime recourse for a poll worker. Poll workers are	3 got another questions.
4 obliged to allow these individuals to vote, to cast a	4 Senator Van de Putte, did you have a
5 regular ballot, because the system does not prevent it.	5 question?
6 Without photo identification, the evidence	6 SEN. VAN de PUTTE: I sure did. Thank
7 of impropriety is limited only to a signature	7 you, Mr. Chairman.
8 comparison, which is typically considered insufficient	8 Thank you very much for coming and
9 to warrant any further review. And so when we often	9 especially for waiting so long. But I wanted to
10 ask, "Well, where are the prosecutions?" it's because	10 understand, because I'm from Bexar County and not from
11 more often than not, they end with the signature	11 Harris County where --
12 comparisons, and that's all we have.	12 MS. ENGELBRECHT: Sure.
13 So as these scenes play out in polling	13 SEN. VAN de PUTTE: -- we love the people
14 places across our communities over and over again,	14 to be involved. But on the reports that we had from --
15 election cycle after election cycle, the message	15 at least from the press, the group that you represent,
16 communicated to both poll workers and to voters is: The	16 the King Street Patriots, it was an article about voter
17 rules don't really matter. And if the rules don't	17 intimidation. And so I wanted to ask you, were the
18 really matter, then how do we know that our election	18 districts, were the voting polling places that your
19 results are right? We are on a very slippery slope.	19 group believed were having the numerous amount of fraud,
20 And the surest way to regain our footing is to restore	20 where you were accusing several places of having voter
21 common sense to our election code.	21 intimidation, mainly occur in minority district that
22 CHAIRMAN DUNCAN: Thank you,	22 have been directed at Latinos and African- Americans, as
23 Ms. Engelbrecht.	23 reported in the press?
24 MS. ENGELBRECHT: Thank you so much.	24 MS. ENGELBRECHT: That is all
25 CHAIRMAN DUNCAN: Senator Williams, do you	25 unequivocally incorrect.
510	512
1 have a question?	1 SEN. VAN de PUTTE: And so there --
2 QUESTIONS FROM SENATE FLOOR	2 MS. ENGELBRECHT: May I? I'll explain
3 SEN. WILLIAMS: No. I just wanted to	3 very quickly. When we started the early election,
4 thank her for being here and for all the effort that her	4 within just a few hours of the polls opening, we were
5 group put into the last election cycle. I really	5 informed that a conference call, a press conference call
6 appreciate what you guys are doing.	6 had been called by the Texas Democrat party, already
7 MS. ENGELBRECHT: Thank you.	7 charging that there were 14 counts of voter
8 CHAIRMAN DUNCAN: Thank you.	8 intimidation, with no backing whatsoever. Well, the
9 Any other questions?	9 press ran with that, and it was all over the place.
10 Senator Patrick.	10 The county attorney later said -- and,
11 SEN. PATRICK: Yes. Thank you,	11 unfortunately, that didn't make it out to the press --
12 Mr. Chairman.	12 that there was, in fact, no voter intimidation. And our
13 Catherine, thank you. Senator Williams	13 efforts were equally served over all 37 of the early
14 said you did what so many people really wanted to have	14 election polling places, so we did not single out any
15 done, and that was to put eyes on the election. You	15 community.
16 trained poll workers. They stood there -- poll	16 SEN. VAN de PUTTE: So this was at all --
17 watchers -- they identified; they reported. You-all	17 you had groups at all of the early voting places, it
18 stood up as citizens, fair and unbiased, and we	18 wasn't just in the places that had minority, mainly
19 appreciate your work and your effort.	19 Latino or African-American?
20 I met you just about a year ago, and you	20 MS. ENGELBRECHT: That's correct. We
21 were just a citizen, just a mom who, with your husband,	21 had --
22 own your own business, that said, "I want to make a	22 SEN. VAN de PUTTE: Thank you for the
23 difference," and I appreciate you and all the work that	23 clarification.
24 those unheralded volunteers did. Thank you very much.	24 MS. ENGELBRECHT: Thank you.
25 MS. ENGELBRECHT: Thank you. Thanks to	25 CHAIRMAN DUNCAN: Thank you, Senator Van

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<p>513</p> <p>1 de Putte.</p> <p>2 Are there any other questions of the</p> <p>3 witness?</p> <p>4 All right. Ms. Engelbrecht, thank you for</p> <p>5 your testimony today.</p> <p>6 The Chair calls Carol Kitson.</p> <p>7 Ms. Kitson, please state your name and who</p> <p>8 you represent.</p> <p>9 TESTIMONY BY CAROL KITSON</p> <p>10 MS. KITSON: My name is Carol Kitson, and</p> <p>11 I basically represent myself and, quite frankly, my</p> <p>12 daughter.</p> <p>13 This past November election, I was</p> <p>14 appointed as an alternate judge in Harris County</p> <p>15 precinct. And we had the presiding judge, two clerks.</p> <p>16 We did have two poll watchers at that location, and a</p> <p>17 translator.</p> <p>18 In the late afternoon, the presiding</p> <p>19 judge's husband, who was acting as election clerk and</p> <p>20 responsible for giving each voter a numerical code, to</p> <p>21 allow activation of a voting machine, commented to the</p> <p>22 poll watcher that the voter he had just given this code</p> <p>23 to had voted earlier in the day at our location. The</p> <p>24 poll watcher agreed with this.</p> <p>25 And I, too, had noted this same particular</p>	<p>515</p> <p>1 That's less than three votes per precinct.</p> <p>2 Each fraudulent votes cast diminishes all</p> <p>3 of the valid votes cast. Every legal voter in Texas</p> <p>4 deserves to know that his or her vote was counted</p> <p>5 correctly, and we need to know that the winner of our</p> <p>6 elections is truly the winner and not elected because</p> <p>7 some voters used illegal means to get their candidate</p> <p>8 elected. We owe this to ourselves and to the future</p> <p>9 generations of Texans.</p> <p>10 Thank you very much for letting me be here</p> <p>11 today.</p> <p>12 CHAIRMAN DUNCAN: Thank you, Ms. Kitson.</p> <p>13 Are there any questions for Ms. Kitson?</p> <p>14 All right. The Chair hears none.</p> <p>15 You're excused. Thank you very much.</p> <p>16 The Chair calls Placido Salazar.</p> <p>17 Thank you, Mr. Salazar. You have three</p> <p>18 minutes. State your name and who you represent, please.</p> <p>19 TESTIMONY BY PLACIDO SALAZAR</p> <p>20 MR. SALAZAR: Yes, sir. Good evening,</p> <p>21 first of all, to all of you and thank you for serving</p> <p>22 our state. My name is Placido Salazar. I'm a Vietnam</p> <p>23 veteran, 20-year man, and I'm the Civil Rights chair for</p> <p>24 the Dr. Hector P. Garcia American GI Forum Organization</p> <p>25 of Texas.</p>
<p>514</p> <p>1 gentleman, because he had some very distinguishing</p> <p>2 characteristics. He had a very distinctive scar and</p> <p>3 limited use of one arm. I remembered seeing him earlier</p> <p>4 in the day as a voter. Of course, I don't remember what</p> <p>5 name or what voter card he used. And because we could</p> <p>6 not possibly identify him -- we're not allowed to ask</p> <p>7 for a photo ID -- he was able to vote for a second time.</p> <p>8 This man was recognizable, but most people</p> <p>9 would not be. We would have no way of knowing during a</p> <p>10 busy election how many people were coming back through.</p> <p>11 It's absolutely impossible.</p> <p>12 Requiring all voters to present a photo ID</p> <p>13 would prevent individuals from voting more than once.</p> <p>14 This is important because even a few votes per precinct</p> <p>15 passed fraudulent can affect the outcome in an election.</p> <p>16 In Falls County where there's 9,392 registered voters,</p> <p>17 they had a 42 percent turnout. In the Governor's race,</p> <p>18 the difference was only 86 votes.</p> <p>19 In Val Verde County, where they have</p> <p>20 27,801 registered voters, they had a 26 percent turnout,</p> <p>21 and the difference was only 377 votes.</p> <p>22 And in Bexar County, a very large county,</p> <p>23 registered voters of 905,859, they have 622 precincts,</p> <p>24 and they had a 34 percent turnout. The difference was</p> <p>25 1,671 votes between the two candidates for Governor.</p>	<p>516</p> <p>1 And I would like to say that this whole</p> <p>2 thing about voter ID as well as other measures currently</p> <p>3 trying to be pushed through the state and federal</p> <p>4 legislation is xenophobia at its worst, fearing that</p> <p>5 immigrants will vote. And I'm also a present chair in</p> <p>6 Universal City, and we have enough trouble getting even</p> <p>7 the registered U.S. citizen voters to the polls. Last</p> <p>8 election, out of a city of almost 20,000, and mostly</p> <p>9 veterans who you would think would appreciate the</p> <p>10 privilege to vote, like myself, we had 60 Democrats and</p> <p>11 75 Republicans, and we are worried about illegal</p> <p>12 immigrants coming to vote. That's ludicrous.</p> <p>13 The Dr. Hector P. Garcia American GI Forum</p> <p>14 Organization of Texas, let it be known for the record</p> <p>15 that we are totally opposed to the artificial emergency</p> <p>16 grandstanding by Governor Rick Perry regarding the</p> <p>17 non-issue of the Texas voter ID and other conveniently</p> <p>18 selected self-promoting legislation. This senseless and</p> <p>19 costly voter ID legislation will not just affect</p> <p>20 Hispanics but also students, seniors and others who are</p> <p>21 unable to get around; people living in nursing homes,</p> <p>22 for example.</p> <p>23 This is nowhere nearly as important nor</p> <p>24 affecting every citizen of our Great State of Texas as</p> <p>25 the ballooning budget deficit of up to \$27 billion and</p>

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1 the ridiculous cuts in education funding, especially	1 representing LULAC and the American GI Forum, who was
2 when Texas is almost at the bottom of other states in	2 born of LULAC to represent soldiers returning from World
3 the education ratings and cannot afford to fire any	3 War II and wars thereafter.
4 teachers. Our teachers invested too much time and money	4 As Vice Commander of the American GI
5 to fulfill their dreams of teaching our children. Stop	5 Forum, C.P. Garcia Chapter, and Texas LULAC Veterans
6 playing politics with our students' and our teachers'	6 Affairs Chairperson, I'm very saddened as I sit here
7 lives and funding. Governor Perry, you were elected to	7 listening to the author of this bill, Senator Fraser,
8 be governor of Texas. Be a sensible, responsible	8 responding to your questions that he knows nothing of
9 governor of Texas.	9 how this new law will impact voters in Texas. Many
10 Some schools in Texas have a drop-out rate	10 years ago, then Senator Navarro wrote Sam Houston about
11 of 70 percent; yet, our governor is running around the	11 the Know Nothing party, and it wasn't nice.
12 country promoting his book, Fed Up. Rick Perry, we are	12 Mr. Speaker, what is the real reason
13 fed up with the shameful number of student drop-out. He	13 behind this legislation? To disenfranchise voters?
14 can't even take care of business in Texas; yet, he wants	14 Which voters? Fifty years ago, my generation -- and
15 to promote himself to Washington D.C.? Give me a break!	15 some of you included -- had a vision to make Texas and
16 We already had enough of that nonsense with your	16 the United States of America a better place to live and
17 predecessor. He left Texas' financial situation in	17 be happy and share the American dream. And, my fellow
18 shambles, then he really fixed our wagon in D.C.	18 Texans, we succeeded, because we walked in the valley of
19 Too many of our Hispanic-American troops	19 darkness and feared no evil, for great men and women
20 gave their lives and too many MIAs may never come home,	20 like yourselves said, "Enough is enough," ya basta!
21 fighting for the democracy and the freedom, or so-called	21 Today some members of your generation are
22 freedom, of other peoples in other countries around the	22 trying to return Texas back to those dark ages. I beg
23 world for this great veterans organization, the AGIF, to	23 of you to defeat this mean-spirited legislation, let not
24 allow Rick Perry or any other political leader to	24 the flesh overcome the spirit for it is said that the
25 trample over our civil rights.	25 fulfillment of the prophecy is at hand.
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1 CHAIRMAN DUNCAN: Mr. Salazar, your time	1 Thank you, and have a good day. And tear
2 has expired. I'll give you a little bit --	2 down this bill, Mr. Speaker.
3 MR. SALAZAR: Get rid of this legislation.	3 CHAIRMAN DUNCAN: Well, thank you,
4 Thank you.	4 Mr. Pena.
5 CHAIRMAN DUNCAN: Thank you for your	5 Sen. Van de Putte, do you have a question?
6 testimony and for your wait here today. Wait A minute.	6 CONDOLENCES FROM SENATE FLOOR
7 There may be some questions. I don't know.	7 SEN. VAN de PUTTE: Just for the witness.
8 Are there any questions of the witness?	8 Mr. Pena, we understand that you have just
9 All right. The Chair hears none.	9 experienced a personal loss.
10 Thanks again for your appearance and your	10 MS. PINZUR: Yes, I sure have.
11 testimony.	11 SEN. VAN de PUTTE: So on behalf of the
12 MR. SALAZAR: Thank you, sir.	12 Texas Senate, let me offer condolences on the death of
13 CHAIRMAN DUNCAN: The Chair recognizes	13 your wife, and so recently, and your patriotism and
14 "Riman" Pena.	14 belief in your government to come and testify when you
15 Roman. Okay. It looks like an "i" to me.	15 yourself had such a personal loss so quickly. Please
16 State your name correctly, please, and who	16 note our condolences on the passing of your beautiful
17 you represent.	17 wife.
18 TESTIMONY BY ROMAN PENA	18 MR. PENA: I accept your condolences,
19 MR. PENA: Mr. Speaker, thank you for your	19 Senator.
20 kindness.	20 Thank you very much. Is there any
21 Senator Uresti -- my senator -- Senator	21 questions?
22 Van de Putte and senators and ladies and gentlemen, good	22 CHAIRMAN DUNCAN: Any more questions?
23 afternoon -- well, it's good night now.	23 The Chair hears none.
24 My name is Roman Pena, also known as Vic	24 Thank you, Mr. Pena. Appreciate it. And
25 Pena. And I am here today -- rather tonight --	25 sorry for your loss.

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<p>521</p> <p>1 MR. PENA: Thank you.</p> <p>2 CHAIRMAN DUNCAN: The Chair calls Rosa</p> <p>3 Rosales, National Alliance for Education and Equity, and</p> <p>4 LULAC.</p> <p>5 State your name, please, and who you</p> <p>6 represent.</p> <p>7 TESTIMONY BY ROSA ROSALES</p> <p>8 MS. ROSALES: Honorable senators, ladies</p> <p>9 and gentlemen, my name is Rosa Rosales. I'm here today</p> <p>10 representing the National Alliance for Education and</p> <p>11 Equity -- and Equality -- and, of course, as an</p> <p>12 immediate past national president of the League of</p> <p>13 United Latin American Citizens, the oldest and the,</p> <p>14 largest Latino organization in the nation that was</p> <p>15 founded to eradicate discrimination of any shape and</p> <p>16 form.</p> <p>17 I am here today to voice strong opposition</p> <p>18 to SB 14, voter ID. At a time when the State of Texas</p> <p>19 is having to deal with a \$27 billion deficit and,</p> <p>20 therefore, having big cuts in social services, health</p> <p>21 care, education -- and higher education, this voter</p> <p>22 education bill should not be a priority. This is not a</p> <p>23 quality-of-life legislation for the State of Texas for</p> <p>24 all of us.</p> <p>25 As a matter of fact, the bill will</p>	<p>523</p> <p>1 Finally, this SB 14, voter ID, is most</p> <p>2 likely to violate Section 5 and Section 2 of the Federal</p> <p>3 Voting Rights Act. LULAC is ready and prepared to take</p> <p>4 any action, whether it be legal action tomorrow, if it</p> <p>5 does violate the Voting Rights Act.</p> <p>6 Thank you so much.</p> <p>7 CHAIRMAN DUNCAN: Thank you very much.</p> <p>8 Are there any questions for Ms. Rosales?</p> <p>9 The Chair hears none.</p> <p>10 Thank you for your testimony.</p> <p>11 All right. We're ready for our next</p> <p>12 panel. But before that, let me announce the last group.</p> <p>13 Amalia Martinez, Fidel Acevedo, Ray Rodgers, Gordon</p> <p>14 Quan, Rachel Delgado and Sandra Crenshaw.</p> <p>15 Okay. The Chair calls Alfredo Esparza</p> <p>16 with LULAC.</p> <p>17 State your name and who you represent,</p> <p>18 please.</p> <p>19 TESTIMONY BY ALFREDO ESPARZA</p> <p>20 MR. ESPARZA: My is Alfredo Esparza. I'm</p> <p>21 for LULAC, District 15, San Antonio, Texas. I'm on</p> <p>22 behalf of senior citizens in Bexar County, which I</p> <p>23 represent.</p> <p>24 And the reason that I'm here today, I</p> <p>25 think this SB 14 is a bill that's very bad for senior</p>
<p>522</p> <p>1 actually create unnecessary barriers for the elderly,</p> <p>2 minorities and the working poor. Texas has a history of</p> <p>3 voter discrimination, as you have heard it here by many</p> <p>4 that have testified. If the law is enacted, it would</p> <p>5 primarily affect minorities and the elderly. The bill</p> <p>6 would actually regress the State of Texas to the days of</p> <p>7 the poll tax. Voters, especially the working poor and</p> <p>8 the elderly and women, will return -- or not return to</p> <p>9 the county department, the voter registration county, to</p> <p>10 provide the required identification within six days to</p> <p>11 cure the provisional vote and the problem that we've had</p> <p>12 with provisional votes here in the State of Texas. Most</p> <p>13 of them, a very high percentage, are rejected to begin</p> <p>14 with.</p> <p>15 The implementation of this bill will cause</p> <p>16 the State of Texas a substantial amount of money. It's</p> <p>17 been estimated \$2 -- \$2 million. That money could</p> <p>18 actually be put to a better use, to address the</p> <p>19 immediate needs of the State of Texas where every single</p> <p>20 dollar is put into education. You know, higher</p> <p>21 education, health care, nursing homes, social services,</p> <p>22 instead of a voter ID bill, especially the State of</p> <p>23 Texas, I have been told, is in the last place of all the</p> <p>24 states in the United States when it comes to education.</p> <p>25 What a shame.</p>	<p>524</p> <p>1 citizens. And the reason, can you imagine if your</p> <p>2 mother is 70 or 80 years old, trying to go and get an</p> <p>3 ID? Are you going to take her or your son or your</p> <p>4 daughter or his grandson? I don't believe so, because I</p> <p>5 work with seniors citizens every day. And you know</p> <p>6 what? It's a hardship just to go to get their needs and</p> <p>7 their groceries or their medications.</p> <p>8 And we come in as LULAC to help our senior</p> <p>9 citizens. Now, just think, there is a hardship for</p> <p>10 senior citizens to go and get a new ID just to vote. A</p> <p>11 lot of senior citizens vote, but this bill will make it</p> <p>12 a real hardship problem to senior citizens, especially</p> <p>13 those that are on disability or SSI. It's hard for them</p> <p>14 to get around.</p> <p>15 After you pass 60 or 65 like me, you think</p> <p>16 about where you're going and where you need to be. And</p> <p>17 I don't know about you, but I know as a fact that here</p> <p>18 in Texas, it's not proper for bills like this to pass,</p> <p>19 and that's why I'm here to testify about it.</p> <p>20 Thank you very much.</p> <p>21 CHAIRMAN DUNCAN: Thank you, Mr. Esparza.</p> <p>22 Are there any questions for Mr. Esparza?</p> <p>23 The Chair hears none.</p> <p>24 Thank you for your testimony today.</p> <p>25 The Chair calls Marcelo Tafoya.</p>

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<p style="text-align: right;">525</p> <p>1 Mr. Tafoya, please state your name and who 2 you represent. 3 TESTIMONY BY MARCELO TAFOYA 4 MR. TAFOYA: My name is Marcelo Tafoya. 5 Good afternoon. I am the District 12 director for 6 LULAC, the League of United Latin American Citizens. I 7 also represent the CCC, the Coalition of Community 8 Concerns. And the biggest concern we have is 9 discrimination, especially in voting. 10 A couple of years ago, I was pleased to 11 join some gentlemen that came down from the Justice 12 Department looking into voter fraud and voter 13 discrimination. They found no voter fraud, but they 14 found six cases of voter discrimination against the 15 Hispanic community. In cases where an Hispanic 16 individual came up, and they gave them 45 minutes, 17 because they had nobody there, to interpret for them on 18 the voting process. A lady sat there for 45 minutes in 19 a wheelchair waiting for somebody to come down from the 20 county. 21 This is only one. There were several 22 others that were turned away because they said that they 23 had broken in front of the line. You know, I don't 24 understand a lot of the issues that was brought up at 25 the time, but it just happened to be a Spanish when all</p>	<p style="text-align: right;">527</p> <p>1 I want to thank y'all very much. God 2 love! 3 CHAIRMAN DUNCAN: Thank you, Mr. Tafoya. 4 Hold on just a second. 5 Are there any questions for Mr. Tafoya? 6 All right. The Chair hears none. 7 Thank you for your testimony. 8 The Chair calls Hector M. Flores. 9 Mr. Flores, please state your name and who you 10 represent. 11 TESTIMONY BY HECTOR M. FLORES 12 MR. FLORES: Governor, Mr. Chairman, 13 members of the Senate, my name is Hector Flores. I'm 14 from Duncanville, Texas, and I'm here to represent the 15 Texas League of United Latin American Citizens known as 16 LULAC, and I'm here to give opposition to this bill. 17 With a budget shortfall and many other 18 issues confronting Texas during these hard economic 19 times, we cannot understand why voter ID is such an 20 urgent matter for the Texas Legislature. LULAC has 21 voted unanimously to oppose this bill, and we ask you 22 also to protect the voting rights of all citizens of 23 Texas but also ask you to protect the voting rights of 24 the Latino voters, as mandated by Section 5 and Section 25 2 of the Voting Rights Act.</p>
<p style="text-align: right;">526</p> <p>1 these things were occurring. 2 Now, as far as being handicapped, I find 3 an issue with cost. Okay? I'm on a fixed income. I'm 4 pretty fortunate that I have my driver's license for a 5 long time ago so I get it through the mail. Okay? I 6 don't have to go take a test anymore. Maybe later on, 7 they find out that I testified, they will probably call 8 me in to go take a test, check my eyes, do the whole 9 process. Right? But I don't care. I'm willing to do 10 that or whatever it takes to defeat a bill that is 11 unnecessary. Why do you have to try to fix something 12 that is working? 13 No. 2, why do you take this bill on today 14 when our children are failing in school? Look, I'm 15 worried about my grandchildren, my great-grandchildren 16 that are not getting educated, that we're lacking the 17 money that it takes to educate our children properly. 18 Why don't you take something up like that instead of 19 worrying about somebody getting you elected again in 20 this process? So please defeat this bill, let's get 21 busy with the rule, let's get some money into the 22 caucus. Let's don't be spending it uselessly, spending 23 it for no reason whatsoever and start putting it where 24 it belongs, the education of our children and the 25 welfare of our community.</p>	<p style="text-align: right;">528</p> <p>1 Specifically, LULAC argues against the 2 passage of any voter identification bill until such time 3 as Texas can guarantee zero tolerance of voter 4 discrimination and implement all protection of the Civil 5 Rights Act as ordered by the Supreme Court. Given the 6 history of Texas, this will be a long time in coming. 7 In 2005, 2006 and 2007, the Voting Rights 8 sections of the Department of Justice filed 10 separate 9 lawsuits against Texas. All 10 suits were for 10 discrimination against Mexican-Americans, and one of the 11 suits involved discrimination against Mexican-Americans 12 and African-Americans combined. 13 There was also a separate lawsuit in 14 Harris County for discrimination against Vietnamese- 15 Americans. All suits were successful against Texas, and 16 Texas entered into consent -- agreements to correct 17 discriminations. 18 During the same period, several suits were 19 brought by LULAC and MALDEF against Texas and also 20 against several government entities, in particular in my 21 hometown of Dallas, in Farmers Branch and in Irving, 22 Texas. And, obviously, in LULAC vs. Perry, the Supreme 23 Court found that Texas purposely discriminated against 24 Mexican-Americans in Congressional District 23 in 25 San Antonio where I come from.</p>

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<p style="text-align: right;">529</p> <p>1 I have five pages, but I will only try to 2 synopsise. In light of the fact that the proposed bill 3 brought forward by the Texas Legis- -- the Senate, it's 4 likely to violate both Sections 5 and Section 2 of the 5 Federal Voting Rights Act. LULAC urges you not to adopt 6 the proposed bill as is.</p> <p>7 And, as you know, LULAC has participated 8 in over 400 court-ordered elections in Texas since 9 adoption of the Voting Rights Act, and we will 10 vigorously challenge any voter ID bill. We're also, as 11 has been mentioned earlier, ready to pursue an objection 12 before the Voting Rights section of the Department of 13 Justice, if necessary. But we hope that there are many 14 options that you can take, but the first one you can 15 take is not to support this bill.</p> <p>16 I thank you very much for listening to me 17 tonight, and I hope you will do the right thing.</p> <p>18 CHAIRMAN DUNCAN: Senator Gallegos, do you 19 have a question?</p> <p>20 QUESTIONS FROM SENATE FLOOR</p> <p>21 SEN. GALLEGOS: Yes.</p> <p>22 Mr. Flores, let me ask -- and then I heard 23 you when you testified in Dallas and you were on the 24 redistricting hearing, and you were knowledgeable about 25 voting rights and all that. I heard your testimony</p>	<p style="text-align: right;">531</p> <p>1 desired to be done to fix this bill so perhaps it might 2 comply into the future. Obviously, this is going to be 3 just an obstacle for the elderly, for handicapped 4 people, but also for minorities who may not have an ID 5 to begin with. And I would venture to say that both my 6 grandmothers -- and I'm a fifth generation Tejano -- 7 both of my grandmothers didn't go around with their ID. 8 And, you know, this is going to be a problem and it's 9 going to keep people from voting. I don't think it's 10 the right way to go for Texas.</p> <p>11 SEN. GALLEGOS: Mr. Flores, thank you for 12 coming to testify. Thank you.</p> <p>13 MR. FLORES: Thank you, Senator.</p> <p>14 CHAIRMAN DUNCAN: Senator West, for what 15 purpose?</p> <p>16 SEN. WEST: Just one question. 17 Hector, how you doing?</p> <p>18 MR. FLORES: I got up at 4:30 this 19 morning. They sequestered me over there. They told me 20 I might be here till 8 o'clock in the morning like the 21 last time. I said, "Absolutely not. I got to go work 22 in the morning."</p> <p>23 SEN. WEST: Well, thank you very much for 24 coming down. I really do appreciate it.</p> <p>25 MR. FLORES: My pleasure.</p>
<p style="text-align: right;">530</p> <p>1 today. I was wondering, were you in the chamber when 2 Prof. Tijerina testified?</p> <p>3 MR. FLORES: Absolutely.</p> <p>4 SEN. GALLEGOS: You heard his testimony?</p> <p>5 MR. FLORES: Yes, I did.</p> <p>6 SEN. GALLEGOS: Okay. Let me ask you, 7 hearing his testimony and the history of discrimination 8 against Mexican-Americans as far as voting here in the 9 State of Texas, do you agree with his testimony?</p> <p>10 MR. FLORES: Yes, I do. In fact, the 11 first time that I voted, I had to go get a poll tax to 12 vote, when I turned of age. And so I had to decide 13 whether I was going to go to the movies that weekend or 14 go vote. And so, you know, it's a way to keep people 15 from voting, in my opinion. And, of course, that's one 16 of the reasons we did away with the poll tax in Texas.</p> <p>17 SEN. GALLEGOS: So in your opinion, the 18 incidents that Prof. Tijerina pointed out in his 19 testimony -- and you've heard all of them; you heard all 20 of them -- that it leads up to discrimination that is 21 part of the history of the State of Texas to present. 22 How would you compare that to Senate Bill 14 that's on 23 the floor today?</p> <p>24 MR. FLORES: Well, I'm not only expert on 25 the bill, but I understand that there's still much</p>	<p style="text-align: right;">532</p> <p>1 SEN. WEST: You know, during the earlier 2 conversation that I was having with Senator Fraser, he 3 was saying that people in our district are supportive of 4 this voter ID bill. Now, you've lived in that district 5 for as long as I have.</p> <p>6 MR. FLORES: Thirty-eight years.</p> <p>7 SEN. WEST: In fact, we kind of live 8 pretty much around the corner from one another?</p> <p>9 MR. FLORES: Yes, sir.</p> <p>10 SEN. WEST: And you have worked in that 11 district as an activist for years. Is that correct?</p> <p>12 MR. FLORES: Yes, sir.</p> <p>13 SEN. WEST: So you have opportunities to 14 talk to people in the district. Is it a fair 15 statement -- is that a fair statement that was made by 16 my friend, Senator Fraser, that the bulk of people in 17 the 23rd senatorial district favor this voter ID bill?</p> <p>18 MR. FLORES: I don't think so.</p> <p>19 SEN. WEST: Okay. Thank you very much.</p> <p>20 MR. FLORES: Thank you, sir.</p> <p>21 Mr. Chairman.</p> <p>22 CHAIRMAN DUNCAN: Thank you for your 23 testimony.</p> <p>24 Are there any other questions of the 25 witness?</p>

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<p style="text-align: right;">533</p> <p>1 All right. The Chair hears none.</p> <p>2 Appreciate your testimony today.</p> <p>3 MR. FLORES: Thank you very much.</p> <p>4 CHAIRMAN DUNCAN: Fidel Acevedo.</p> <p>5 TESTIMONY BY FIDEL ACEVEDO</p> <p>6 MR. ACEVEDO: Thank you, Mr. Speaker,</p> <p>7 senators. My name is Fidel Acevedo, and I'm here to</p> <p>8 testify on Senate Bill 14. It seems like a long way</p> <p>9 from the last time we had to do this, but we have to do</p> <p>10 it all over again. It seems like history repeats</p> <p>11 itself. We can't just get away from it right away. We</p> <p>12 just have to keep right on doing it until we do the</p> <p>13 right thing.</p> <p>14 I think the GOP has the right idea about</p> <p>15 doing some things repeatedly. Certainly this senate</p> <p>16 bill is not one of them. I have to tell the senate</p> <p>17 chamber here today that I have to excuse myself from --</p> <p>18 refrain from using some harsh language that's coming</p> <p>19 from San Antonio District 14, the Fighting 14, and my</p> <p>20 senator, they're listening to me, I have to be</p> <p>21 respectful to each and every one of you.</p> <p>22 However, it does merit saying that this</p> <p>23 bill, as the gentleman testified earlier as an expert,</p> <p>24 it is discriminatory to say the least. It will continue</p> <p>25 the tradition here in the State of Texas of doing just</p>	<p style="text-align: right;">535</p> <p>1 CHAIRMAN DUNCAN: Thank you.</p> <p>2 Are there any questions for the witness?</p> <p>3 All right. The Chair hears none.</p> <p>4 We appreciate your appearance here today.</p> <p>5 MR. ACEVEDO: Thank you.</p> <p>6 CHAIRMAN DUNCAN: Members, we have some</p> <p>7 cards of some persons who registered that they would</p> <p>8 like to testify but did not respond to the call, but</p> <p>9 I'll read their names once again. Ray Rodgers, Gordon</p> <p>10 Quan, Rachel Delgado, Sandra Crenshaw, Clifford Gay,</p> <p>11 Barbara Baxter, Sergio Castillo, Amalia Martinez of</p> <p>12 Austin, Texas, LULAC 12.</p> <p>13 The doorkeeper will check once again.</p> <p>14 These cards will be placed in the record, that they have</p> <p>15 appeared and they have registered their position.</p> <p>16 Is there anyone else who would wish to</p> <p>17 testify on, for or against Senate Bill 14?</p> <p>18 All right. The Chair hears none.</p> <p>19 Senator West?</p> <p>20 SEN. WEST: Mr. Chairman, I would like to</p> <p>21 put in Exhibit No. 13, which is the League of United</p> <p>22 Latin American Citizens' objections and arguments</p> <p>23 against the voter identification bill.</p> <p>24 CHAIRMAN DUNCAN: What's the exhibit</p> <p>25 number?</p>
<p style="text-align: right;">534</p> <p>1 that. "Some way, somehow, we're going to keep</p> <p>2 Mexican-Americans from voting." It is not like if, over</p> <p>3 there in Horseshoe Bay, that the Mexicans are just</p> <p>4 getting ready to go over there and remove Senator</p> <p>5 Fraser. Huh? I don't think so. That's not going to</p> <p>6 happen.</p> <p>7 But as I slow down just a little bit, just</p> <p>8 to think of what tremendous work you guys do, let's put</p> <p>9 the priorities right. I have to tell you -- and I must</p> <p>10 say this -- that our priorities are wrong here in the</p> <p>11 chamber right now. Education, education, jobs, jobs,</p> <p>12 the economy. The photo ID can wait if we must have to</p> <p>13 go that route. But it's jobs, education for our</p> <p>14 children. That is the priority.</p> <p>15 I think maybe somebody had heartburn and</p> <p>16 the Governor had to say, "We have to have an emergency</p> <p>17 session for this particular one," or maybe perhaps the</p> <p>18 Lt. Governor had to follow up and say, "Hey, look! This</p> <p>19 is a valid emergency. We ought to put it in the</p> <p>20 priority first time out, first thing out, have to come</p> <p>21 out of the chute is this bill."</p> <p>22 Please help defeat this bill. I know</p> <p>23 that's an impossibility, but at least it's -- I'm an</p> <p>24 optimist, and I hope that you guys can do the right</p> <p>25 thing. Thank you.</p>	<p style="text-align: right;">536</p> <p>1 SEN. WEST: Twelve.</p> <p>2 CHAIRMAN DUNCAN: Twelve. Exhibit 12. Is</p> <p>3 there any objection?</p> <p>4 Exhibit 12 will be received.</p> <p>5 (Exhibit No. 12 marked and admitted)</p> <p>6 CHAIRMAN DUNCAN: There being no public</p> <p>7 testimony coming forward -- or no additional public</p> <p>8 testimony coming forward, the public testimony is</p> <p>9 closed.</p> <p>10 Senator Fraser, you're recognized for a</p> <p>11 motion.</p> <p>12 MOTION BY SENATOR FRASER</p> <p>13 SEN. FRASER: Mr. President, I would now</p> <p>14 move that Senate Bill 14 be reported to the Senate, with</p> <p>15 a recommendation that it do pass and be printed.</p> <p>16 CHAIRMAN DUNCAN: The Secretary will call</p> <p>17 the roll.</p> <p>18 ROLL CALL FOR VOTE ON SENATE BILL 14</p> <p>19 SECRETARY SPAW: Birdwell?</p> <p>20 SEN. BIRDWELL: (Indicated "yea" vote)</p> <p>21 SECRETARY SPAW: Carona?</p> <p>22 SEN. CARONA: (Indicated "yea" vote)</p> <p>23 SECRETARY SPAW: Davis?</p> <p>24 SEN. DAVIS: (Indicated "nay" vote)</p> <p>25 SECRETARY SPAW: Deuell?</p>

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1 SEN. DEUELL: (Indicated "yea" vote)	1 SEN. WILLIAMS: (Indicated "yea" vote)
2 SECRETARY SPAW: Duncan?	2 SECRETARY SPAW: Zaffirini?
3 CHAIRMAN DUNCAN: (Indicated "yea" vote)	3 SEN. ZAFFIRINI: (Indicated "nay" vote)
4 SECRETARY SPAW: Ellis?	4 SECRETARY SPAW: Wentworth?
5 SEN. ELLIS: (Indicated "nay" vote)	5 SEN. WENTWORTH: (Indicated "yea" vote)
6 SECRETARY SPAW: Eltife?	6 SECRETARY SPAW: West?
7 SEN. ELTIFE: (Indicated "yea" vote)	7 SEN. WEST: (Indicated "nay" vote)
8 SECRETARY SPAW: Estes?	8 SECRETARY SPAW: Whitmire?
9 SEN. ESTES: (Indicated "yea" vote)	9 SEN. WHITMIRE: (Indicated "nay" vote)
10 SECRETARY SPAW: Fraser?	10 SECRETARY SPAW: Williams?
11 SEN. FRASER: (Indicated "yea" vote)	11 SEN. WILLIAMS: (Indicated "yea" vote)
12 SECRETARY SPAW: Gallegos?	12 SECRETARY SPAW: Zaffirini?
13 SEN. GALLEGOS: (Indicated "nay" vote)	13 SEN. ZAFFIRINI: (Indicated "nay" vote)
14 SECRETARY SPAW: Harris?	14 SECRETARY SPAW: Governor Dewhurst?
15 SEN. HARRIS: (Indicated "yea" vote)	15 PRESIDENT DEWHURST: (Indicated "yea"
16 SECRETARY SPAW: Hegar?	16 vote)
17 SEN. HEGAR: (Indicated "yea" vote)	17 CHAIRMAN DUNCAN: There being 20 ayes, 12
18 SECRETARY SPAW: Hinojosa?	18 nays, Senate Bill 14 will be favorably reported to the
19 SEN. HINOJOSA: (Indicated "nay" vote)	19 Senate, with the recommendation that it do pass and be
20 SECRETARY SPAW: Huffman?	20 printed.
21 SEN. HUFFMAN: (Indicated "yea" vote)	21 The Chair recognizes Senator Wentworth for
22 SECRETARY SPAW: Jackson?	22 a motion.
23 SEN. JACKSON: (Indicated "yea" vote)	23 SEN. WENTWORTH: Mr. President, I move
24 SECRETARY SPAW: Lucio?	24 that the Committee of the Whole Senate rise and
25 SEN. LUCIO: (Indicated "nay" vote)	25 report -- Mr. Chairman, I should say.
538	540
1 SECRETARY SPAW: Nelson?	1 CHAIRMAN DUNCAN: Is there any objection
2 SEN. NELSON: (Indicated "yea" vote)	2 to the motion?
3 SECRETARY SPAW: Nichols?	3 The Chair hears none. It's so ordered.
4 SEN. NICHOLS: (Indicated "yea" vote)	4 PRESIDENT DEWHURST: Good job. Thank you.
5 SECRETARY SPAW: Ogden?	5 (Conclusion of hearing before Committee of
6 SEN. OGDEN: (Indicated "yea" vote)	6 the Whole at 9:19 p.m.)
7 SECRETARY SPAW: Patrick?	7
8 SEN. PATRICK: (Indicated "yea" vote)	8
9 SECRETARY SPAW: Rodriguez?	9
10 SEN. RODRIGUEZ: (Indicated "nay" vote)	10
11 SECRETARY SPAW: Seliger?	11
12 SEN. SELIGER: (Indicated "yea" vote)	12
13 SECRETARY SPAW: Shapiro?	13
14 SEN. SHAPIRO: (Indicated "yea" vote)	14
15 SECRETARY SPAW: Uresti?	15
16 SEN. URESTI: (Indicated "nay" vote)	16
17 SECRETARY SPAW: Van de Putte?	17
18 SEN. VAN de PUTTE: (Indicated "nay" vote)	18
19 SECRETARY SPAW: Watson?	19
20 SEN. WATSON: (Indicated "nay" vote)	20
21 SECRETARY SPAW: West?	21
22 SEN. WEST: (Indicated "nay" vote)	22
23 SECRETARY SPAW: Whitmire?	23
24 SEN. WHITMIRE: (Indicated "nay" vote)	24
25 SECRETARY SPAW: Williams?	25

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2 STATE OF TEXAS)
3 COUNTY OF TRAVIS)
4 WE, Kim Pence, Aloma J. Kennedy and Lorrie
5 A. Schnoor, Certified Shorthand Reporters in and for the
6 State of Texas, do hereby certify that the above-
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8 WE FURTHER CERTIFY THAT the proceedings of
9 such were reported by us or under our supervision, later
10 reduced to typewritten form under our supervision and
11 control and that the foregoing pages are a full, true
12 and correct transcription of the original notes.
13 IN WITNESS WHEREOF, WE have hereunto set
14 our hand and seal this 7th day of February 2011.
15
16
17
18 _____
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366:18	472:3	523:25	174:22	416:16
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368:9	474:9	526:13	bipartisan	bit 21:8
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391:17	478:21	529:6	146:9	208:16
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219:8	286:17	123:7	471:10	72:20
219:20	298:7	176:13	471:15	72:22
220:13	306:23	212:9	471:18	72:24
221:18	308:22	212:15	471:21	73:2
221:21	308:23	212:17	472:1	106:12
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222:14	311:2	225:6	478:22	109:22
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398:3	415:22	433:11	107:4	443:19
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398:23	416:8	433:19	108:16	444:11
399:3	416:15	433:23	123:24	444:14
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400:8	417:20	434:15	183:23	445:3
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411:4	428:15	97:2	438:23	461:3
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